

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 13 June 2006, commencing at 6.04pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Deputy Mayor - Cr Steed Farrell, declared the meeting open at 6.04pm.

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

**(a) Apologies:**

Mayor Catania would be late due to another commitment  
Cr Torre would be late

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member (from 7.48pm)
Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.25pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Crystal Fairbairn	Journalist - Guardian Express
Giovanni Torre	Journalist – Perth Voice

Approximately 25 Members of the Public

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

Nil.

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

1. Mr David Caddy of 182 St Georges Terrace, Perth - Item 10.1.3 - Referred to the condition for No 6 Wavertree Place requiring a redevelopment proposal being submitted prior to demolition licence being issued. Advised that the approval for No 2 Wavertree Place does not have this condition. Requested that Council delete condition (iii) or acknowledge that the subdivisional approval of the WAPC be seen as development for the purpose of clearing this condition.

2. Mr Brett Shulman of 16 Namur Street, North Perth - Items 10.1.2 and 10.1.18 - Advised that he has requested for a deferral of Item 10.1.2 until such time as a relevant community consultation process has been undertaken.

10.1.18 - Advised that he had presented a letter to the Town today regarding his attempts to become involved in this issue. Believes there is a way forward and would like to be given the opportunity to progress the project so that the client can get the relevant approvals required.

3. Ms Annie Folk of 204 Carr Place, Leederville - Item 10.2.3 - Thanked the Town for the recent consultation. Does not believe that the restrictions would impact on the businesses concerned. Thanked Council for the improvement in the residents amenity in Carr Place to date and more recent the physical appearance. Believes that the resident only parking on both sides of the street would be good for all concerned. Encouraged Council to support this.

4. Mr Jeff Hill of 41b Pollard Street, Glendalough - Item 10.1.12 - Referred to condition (v) of the report. Advised that there are a number of houses in Mabel Street that are well within the 6 metre setback, in particular properties directly opposite and adjacent. Stated that the current house has a setback of 2 metres due to its age and transcends the current policy. Believes that the development will improve aspect of that end of the street as it will be setback between 3 and 4.5 metres. Stated that the upper storey is designed such that the two storey portion on the upper floor does not extend the full width of the dwelling and this significantly reduces the overall impact on the streetscape due to a perceived reduction in the building bulk. Advised that significant changes would need to be made to relocate the top floor as suggested by the Town's officers. Stated that the front setbacks to the ground floor and first floor comply with the requirements of the R-Codes.

5. Mr Paul Burke of 17 Bourke Street, North Perth - Item 10.1.17 - Stated that they were unaware that the fence did not comply with the regulations. Advised that they want to provide a safe yard for their child and that the fence only extends 2/3 across the front of the property and currently has 30 per cent permeability.

6. Mr Brian Fleay of Smith's Lake Precinct Group - Boundary Proposals - Referred to an email sent to Elected Members from the Precinct Group regarding the boundary proposals. Advised that the Precinct Group raised its concerns about the poor process the Local Government Advisory Board has carried out in relation to the proposals especially in regards to the advertising. Quoted sections of the Group's press release. Believes there is a very serious deficiency in the process both on the part of the Council and in particular the Local Government Advisory Board.

*The Chief Executive Officer responded acknowledging receipt of the Precinct Group's email. Advised that the processes are prescribed in the Local Government Act and is at the behest of the Advisory Board which carries out the statutory six week consultation. Stated that he is happy to address any public meeting that may wish to be held.*

7. Ms Norma Josephs of 286 Beaufort Street, ASSeTs - Thanked the Town for its support of their Association. Advised that in the last year they have seen over 1500 clients and that without the Town's assistance would not have been able to provide half the services that they currently do. Stated that they look forward to a long relationship with the Town and will continue to make the best possible use of the property.

*The Presiding Member stated that on behalf of the Town it is a privilege to share that relationship with ASSeTs.*

8. Ms Marie Slyth of 89 Carr Street, West Perth - Item 10.4.3 and 10.4.6 (IB06).

Commented as follows on Item 10.4.3

- Audited Annual Statements - believes that there are ways of working to ensure that Precinct Groups will provide annual financial bank statements or audited statements as requested.
- Promoting Precinct Meetings and other publicity via the website - Believes that this should be given further consideration. Requests that the 12 month trial of the North Perth Precinct Group on the website be extended to all groups.
- Precinct Co-ordinator/Assistant - Is aware that Council appreciates the ongoing voluntary contributions of time and effort precinct committees do put into to help the local ratepayers but such ongoing commitment becomes a very heavy load for many. Requested that Council revisit their request in this regard.

IB06 - Advised that she received a nomination award for two parts of streets and one local street. Believes it would be very helpful if Council is going to consider partial streetscape if single storey streetscapes could be revisited and looked at.

*The Presiding Member confirmed that Item 10.4.3 had been withdrawn.*

**Cr Torre entered the meeting at 6.25pm.**

9. Ms Jennifer Harrison of 73 Wasley Street, North Perth - Referred to the Town's lodgement of an application under the Planning and Development Act against the St Michael's Nursing Home. Stated that she was surprised that it has taken the Town so long to take action against this developer. Concerned that two new development applications have been lodged by the developer and these applications do not address the issues that still remain outstanding.
10. Mr Illio Rapoff of 9 Knutsford Street, North Perth - Item 10.1.8 - Stated that he is a member of the Macedonian Community Association. Requested that Item be deferred as the Association has not consulted with its members/contributors regarding the application. Does not believe it will be accepted by the Community members in its current form.

11. Ms Anne Courtley of 6 St Albans Avenue, Highgate - Item 10.1.15 - Advised that the condition on a previous application requiring three on site car parking bays within 28 days of approval still has not been complied with. Advised that she had raised this matter with the Town. Further stated that the current report advises that the applicant has addressed each of the issues raised by Council in relation to the original proposal. Requested that the Council carefully look at the information they have before them and the emails sent to them before making a decision.
12. Mr Tom Brownbuilt of 29 Walters Drive, Osborne Park - Item 10.1.5 - Stated that the owner wishes to use the garage to restore cars as a hobby. Advised that the property has been underdeveloped. Requested that Council approve the application.
13. Mr John Pettingill of 62 Carr Street, West Perth - Item 10.1.19 - Stated that he has concerns with privacy, overlooking, overshadowing, acoustic privacy, setbacks and how the proposed hostel will be run. Advised that they had written to the Town on 2 June and as yet has not had a response.
14. Luigi Crugnale, 317 Fitzgerald Street, North Perth - Item 10.1.18 - Stated that he has now engaged an architect in a hope to resolve any issues.
15. Mr David Nicholson of 90A Richmond Street, Leederville - Item 10.1.19 - Believes that the proposal is not in keeping with the residential nature of the street, that there is a lack of information as to how it is going to be managed and the whole development is inappropriate.
16. Mr Tim Metcalf of 2 St Albans Avenue, Highgate - Item 10.1.15 - Presented a petition on behalf of approx 300 residents of the Town in support of the application for a change of use. Stated that three applications were lodged at the same time, one for signage, one for open air display and one for change of use. Believes all concerns have been addressed.

There being no further questions from the public, the Presiding Member, Deputy Mayor - Cr Steed Farrell closed Public Question Time at 6.47pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

- 5.1 The Chief Executive Officer advised that a petition had been received from Mr Tim Metcalf of Propaganda, 2 St Albans Avenue, Highgate with 218 signatures supporting the application for an eating house licence providing tea room facilities at Propaganda.

*The Chief Executive Officer advised that this matter is the subject of an Item on tonight's Agenda.*

**Moved Cr Messina, Seconded Cr Torre**

*That the petition be received.*

**CARRIED (8-0)**

(Mayor Catania was absent from the meeting until 7.48pm.)

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

**Moved Cr Messina, Seconded Cr Maier**

*That the Minutes of the Special Meeting of Council held on 16 May 2006 be confirmed as a true and correct record.*

**CARRIED (8-0)**

(Mayor Catania was absent from the meeting until 7.48pm.)

**Moved Cr Messina, Seconded Cr Torre**

*That the Minutes of the Ordinary Meeting of Council held on 23 May 2006 be confirmed as a true and correct record.*

**CARRIED (8-0)**

(Mayor Catania was absent from the meeting until 7.48pm.)

**Moved Cr Ker, Seconded Cr Chester**

*That the Minutes of the Special Meeting of Council held on 30 May 2006 be confirmed as a true and correct record.*

**CARRIED (8-0)**

(Mayor Catania was absent from the meeting until 7.48pm.)

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

**7.1 Employee of the Month Award for the Town of Vincent for June 2006**

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

For JUNE 2006, the award is presented to Paula Flinn, Youth Officer in the Town's Community Development Section.

Paula was nominated by the Manager Community Development, who advises as follows;

Paula has been with the Town since October 2003 - she has developed a number of innovative and successful projects - the most successful being AMPFEST which is a partnership project with the Western Suburbs Councils. This project has seen increasing numbers in young people wanting to be involved in music and also has proactive outcomes in training young people in music industry practices.

Paula has also developed and implemented projects with the Youth Advisory Council with projects as part of *National Youth Week 2005*, a film making workshop was organised for young Town of Vincent residents. The workshops ran for five days during National Youth Week (11- 15 April). The participants learnt the basics of film making and produced three short films on a youth related topic of their choice. The films were shown at a public screening at Banks Reserve. The short films were followed by the screening of the new release. Over 250 people attended the screening and the pilot project was very well received by all.

Paula particularly embodies the qualities that we would want to see in an Employee of the Month where she always helps out her peers in their projects. She is an all-rounder and has been a real asset to the team and to the Town of Vincent.

Congratulations Paula and well done!

**Received with acclamation.**

7.2 Late Items

Deputy Mayor - Cr Steed Farrell advised that the Mayor had approved of two Late Items, namely:

- 10.1.24 relating to Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 - Relating to Land coded R20, within the Eton Locality Plan 7; and
- 10.4.7 relating to the Summary of Major Stadia Taskforce Interim Report Recommendations - Perth's Major Stadia and Members Equity Stadium, 310 Pier Street, Perth - Progress Report No. 10

7.3 Withdrawal of Agenda Item 10.4.3 - Relating to Proposed Amendment to Policy No. 4.1.6 - Community/Precinct Groups

I have been advised by the CEO that we possibly have some good news in this matter. As you may be aware, the Mayor and several Councillors have requested the matter of insurance be further investigated and pursued.

The CEO and Executive Manager Corporate Services have been pursuing this and late this afternoon, the Town's Insurer indicated that they MAY be able to accommodate the Insurance requirements - subject to more details being provided.

They have requested further details about the coverage required, Group activities and their incorporation details, etc.

As this development only occurred late this afternoon and in view of the short time available, there has been insufficient time to finalise this matter before tonight's meeting.

It may be possible for a blanket Policy to be prepared to cover all Precinct Groups which are NAMED in the Policy and only to cover pre-agreed matters.

As this is a major change from the previous responses received from the Town's Insurer, the CEO has withdrawn the Item to enable more details to be obtained and to further investigate this matter.

A report will now be submitted to the Ordinary Meeting of Council to be held on 27 June 2006.

7.4 Request for Deferral of Item 10.1.2 Relating to Further Report - No. 18A (Lot: 2 STR: 46886) Harold Street, Mount Lawley - Proposed Two (2) Storey Single House

The applicant has requested this Item be DEFERRED until the consultation process has been completed.

We will consider this request for DEFERRAL prior to consideration of all other Agenda items.

7.5 Item 10.4.5 - Town of Vincent Local Law Relating to Dogs

The purpose of the amendment to the Local Law is to accommodate the Decision, taken by the Council on 6 December 2005, relating to the addition of Birdwood Square Reserve as a dog exercise area, operating at all times.

This report is submitted to facilitate the inclusion of this free exercise area in the appropriate schedule to the Local Law Relating to Dogs.

7.6 Guardian Express Journalist

Deputy Mayor - Cr Steed Farrell welcomed Crystal Fairbairn, Journalist for the Guardian Express who will be covering the Council Meetings for the next four weeks.

## 8. DECLARATION OF INTERESTS

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

- 10.1.21 - Amendment No 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines; and
- 10.1.22 - Amendment No 37 to Planning and Building Policies Relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory.

The nature of his interest being that he is the owner of property which may be listed on the Town's Municipal Heritage Inventory. *(Mayor Catania has Minister for Local Government approval to participate in debate and vote in these matters and to preside at Council meetings where the matters are discussed.)*

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

- 10.1.21 - Amendment No 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines; and
- 10.1.22 - Amendment No 37 to Planning and Building Policies Relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory.

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

8.3 Cr Ker declared an interest affecting impartiality in Item 10.2.3 - Further Report - Outcome of Community Consultation on the Extension of the Residents Only Restriction in Carr Place. The nature of his interest being that he has a business association with a business operating from premises in Carr Place.

8.4 Cr Messina declared a financial interest in Item 10.3.1 - Investment Report as at 31 May 2006. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.

8.5 Cr Messina declared a financial interest in Item 10.2.6 - Further Report - Proposed Bus Stop Modification Adjacent to the Mount Hawthorn Plaza Redevelopment, Scarborough Beach Road, Mount Hawthorn. The nature of his interest being that his company Gelatino is to take possession of a tenancy in the Mezz. Cr Messina requested permission to participate in the debate of the Item but not to vote.

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

- 10.1.21 - Amendment No 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines; and
- 10.1.22 - Amendment No 37 to Planning and Building Policies Relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory.

The nature of her interest being that she is the owner of property listed in the Town's Municipal Heritage Inventory. Cr Lake requested permission to remain in the Chamber during discussion and decision making on the Items but not to vote.

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

- 10.1.21 - Amendment No 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines; and
- 10.1.22 - Amendment No 37 to Planning and Building Policies Relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory.

The nature of his interest being that he is the owner of property listed in the Town's Municipal Heritage Inventory. Cr Maier requested permission to remain in the Chamber during discussion and decision making on the Items but not to vote.

- 8.8 Cr Chester declared a financial interest in the following Items:
- 10.1.21 - Amendment No 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines; and
  - 10.1.22 - Amendment No 37 to Planning and Building Policies Relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory.

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

- 8.9 Cr Ker declared an interest affecting impartiality in Item 10.1.4 - No 116 (Lot: 879) West Parade, Mount Lawley - Proposed Demolition of Existing Footbridge and Addition of New Footbridge to Existing Railway Terminal. The nature of his interest being that he is currently undertaking consulting work for the Public Transport Authority, but it is unrelated to the matter for decision.
- 8.10 Mayor Catania declared a financial interest in Item 10.3.1 - Investment Report as at 31 May 2006. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.11 Cr Doran-Wu declared an interest affecting impartiality in Item 10.1.19 - No 88. (Lots Y31 and Y32 D/P: 956) Richmond Street, Leederville - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Lodging House/Private Hostel. The nature of her interest being that she is employed by Shelter WA - peak body for housing related matters including refuges, boarding houses and hostels.

**The Presiding Member advised Cr Messina that his request would now be considered.**

**Cr Messina departed the chamber at 7.05pm.**

**Moved Cr Lake, Seconded Cr Torre**

*That Cr Messina be permitted to remain in the chamber during Item 10.2.6 to participate in debate but not vote on the matter.*

**CARRIED (7-0)**

**(Mayor Catania was absent from the meeting until 7.48pm. Cr Messina was absent from the Chamber and did not vote.)**

**Cr Messina returned to the chamber at 7.06pm.**

**The Presiding Member advised Crs Lake and Maier that their request would now be considered.**

**Crs Lake and Maier departed the chamber at 7.06pm.**

**Moved Cr Ker, Seconded Cr Messina**

*That Crs Lake and Maier be permitted to remain in the chamber during Items 10.1.21 and 10.1.22 but not participate in, debate or vote on the matters.*

**CARRIED (5-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Cr Chester	Deputy Mayor - Cr Farrell
Cr Doran-Wu	
Cr Ker	
Cr Messina	
Cr Torre	

(Mayor Catania was absent from the meeting until 7.48pm. Crs Lake and Maier were absent from the chamber and did not vote.)

Crs Lake and Maier returned to the chamber at 7.07pm.

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

Nil.

**10. REPORTS**

The Presiding Member, Deputy Mayor - Cr Steed Farrell, 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 10.1.3, 10.1.2, 10.1.18, 10.2.3, 10.1.12, 10.1.17, 10.4.6, 10.1.8, 10.1.15, 10.1.5 and 10.1.19

**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 10.3.3, 10.4.4 and 10.4.5

The Presiding Member, Deputy Mayor - Cr Steed Farrell, 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	Nil.
Cr Chester	Items 10.1.1, 10.1.6, 10.1.7, 10.1.9, 10.1.14 and 10.1.23
Cr Ker	Items 10.1.13, 10.1.24, 10.2.7 and 10.4.7
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Items 10.1.4 and 10.2.2
Cr Messina	Nil.
Cr Maier	Nil

The Presiding Member, Deputy Mayor - Cr Steed Farrell, 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 10.1.21, 10.1.22, 10.2.6 and 10.3.1

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

Items 10.1.10, 10.1.11, 10.1.16, 10.1.20, 10.2.1, 10.2.4, 10.2.5, 10.3.2, 10.4.1 and 10.4.2

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

Nil.

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

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

Items 10.1.10, 10.1.11, 10.1.16, 10.1.20, 10.2.1, 10.2.4, 10.2.5, 10.3.2, 10.4.1 and 10.4.2

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

Items 10.1.3, 10.1.2, 10.1.18, 10.2.3, 10.1.12, 10.1.17, 10.4.6, 10.1.8, 10.1.15, 10.1.5 and 10.1.19

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

**Moved Cr Ker, Seconded Cr Maier**

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

*Items 10.1.10, 10.1.11, 10.1.16, 10.1.20, 10.2.1, 10.2.4, 10.2.5, 10.3.2, 10.4.1 and 10.4.2*

**CARRIED (8-0)**

**(Mayor Catania was absent from the meeting until 7.48pm.)**

**10.1.10 No. 18A (Lot: 70 D/P: 92568) Fairfield Street, Mount Hawthorn-  
Proposed Partial Demolition of and Two-Storey Alterations and  
Additions to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Mount Hawthorn; P01;	<b>File Ref:</b>	PRO3466 5.2006.54.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Facchini on behalf of the owner F Cusmano & C Facchini for proposed Partial Demolition of and Two-Storey Alterations and Additions to Existing Single House, at No. 18A (Lot: 70 D/P: 92568) Fairfield Street, Mount Hawthorn, and as shown on amended plans stamp-dated 24 April 2006, subject to the following conditions:*

- (i) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (ii) *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;*
- (iii) *prior to the issue of a Building Licence, where no implied right of access exists for lots adjacent to a Council owned private ROW, the applicant is required to apply to the Town for an expressed right endorsement to both titles at the applicant's/owner(s)' full expense;*
- (iv) *any new street/front wall, fence and gate between the Fairfield 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;*
- (v) *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;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the carport from the primary street and the provision of two car parking bays with sufficient dimensions and manoeuvring space at the rear from the right of way. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes; and*
- (vii) *first obtaining the consent of the owners of No. 18 (Lot 71) Fairfield Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south where applicable in a good and clean condition.*

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**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Mayor Catania was absent from the meeting until 7.48pm.)**

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<b>Landowner:</b>	F Cusmano & C Facchini
<b>Applicant:</b>	C Facchini
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	512 square metres
<b>Access to Right of Way</b>	Eastern side, 3.5 metres wide, sealed, Council owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

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

The applicant's submission is "*Laid on the Table*". In summary, the applicant provided the following justification in support of the proposed carport off the primary street:

- *“Access from the rear is narrow, there is no lighting, there are fencing problems, pot holes and over hanging trees.*
- *We need more parking spaces for our children.*
- *Street parking is unsightly and vehicles get damaged.*
- *The carport will protect us from the elements and noise from Paddington Hotel.”*

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<u>Boundary Walls:</u>  Southern side	3 metres average height and 3.5 metres maximum height.	6 metres average height and 6.3 metres maximum height from natural ground level.	Supported-given the irregular shape of the lot at the rear, that the neighbours support the proposal, that the proposal will not be highly visible from the street as it is setback over 19 metres from the street, the wall is only 7.1 metres in length, the variation is generally considered supportable.
<u>Setbacks:</u>  Ground floor-northern side	1.5 metres	1.175 metres	Supported-the minor variation does not represent unreasonable bulk and scale to the adjoining property and is supported.
Town's Policies Vehicular Access	Access to be from the right of way.	Access from the primary street.	Not supported- the proposed carport off the primary street is contrary to the Town's Vehicular Access Policy as access should be from the right of way as it is sealed, Council owned and there is sufficient room at the rear for two car parking bays if the existing structure is modified or

			demolished. Accordingly, a condition has been recommended to ensure that the carport is deleted from the plans and replaced by two car parking bays with access from the right of way.
Town's Street Setback Policy	Carports not to exceed more than 50 % of lot frontage	Carport occupies 57.14 per cent of lot frontage	Not supported-the carport dominates the streetscape and does not comply with the Town's Vehicular Access Policy as mentioned above.
Building Height	6 metres to eaves	6.3 metres to eaves at highest point	Supported- the variation is considered minor as only a small portion of the building exceeds 6 metres to the eaves and the overall building height is well under 9 metres.
<b>Consultation Submissions</b>			
Support	<ul style="list-style-type: none"> <li>Four letters of support with no comments.</li> </ul>		Noted
Objection	<ul style="list-style-type: none"> <li>Nil.</li> </ul>		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

## COMMENTS

In light of the above, the proposal is considered supportable as it is not considered to create a significant adverse impact on the amenity of the adjacent properties or the streetscape of the area.

**10.1.11 No. 65 (Lot 293 D/P: 3642) The Boulevarde, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House - Reconsideration of Condition**

<b>Ward:</b>	North	<b>Date:</b>	2 June 2006
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO3158; 5.2006.213.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C H Gwynne on behalf of the owner C H & M Gwynne for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House - Reconsideration of Condition, at No. 65 (Lot 293 D/P: 3642) The Boulevarde, Mount Hawthorn, and as shown on plans stamp-dated 9 May 2006, subject to the following conditions:*

- (i) *any new street/front wall, fence and gate between The Boulevarde 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;*

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following;*
- (a) *two car bays in tandem with a minimum length of 10 metres being provided adjacent to the northern boundary;*
  - (b) *the carport is to be a single carport with a maximum total width of 4.875 metres. There is to be no alterations to the existing crossover or kerb;*
  - (c) *the outbuilding/shed not exceeding a wall height of 2.4 metres; and*
  - (d) *the external wall height being reduced to 6.1 metres for the northern elevation and 6.2 metres for the southern elevation.*

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

- (iv) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the existing dwelling; and*
- (v) *subject to first obtaining the consent of the owners of No. 67 The Boulevard and No. 66 Kalgoorlie 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. 67 The Boulevard and No. 66 Kalgoorlie Street in a good and clean condition.*

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**COUNCIL DECISION ITEM 10.1.11**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Mayor Catania was absent from the meeting until 7.48pm.)**

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<b>Landowner:</b>	C H & M A Gwynne
<b>Applicant:</b>	C Gwynne
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	473 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

14 June 2005

The Council at its Ordinary Meeting granted conditional approval for proposed partial demolition of and alterations and two-storey additions to existing single house at the subject property. Condition (iii) of this approval states as follows:

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

- (a) *two car bays in tandem with a minimum length of 10 metres being provided adjacent to the northern boundary;*
- (b) *the carport is to be a single carport with a maximum total width of 3 metres. There is to be no alterations to the existing crossover;*
- (c) *the outbuilding/shed not exceeding a wall height of 2.4 metres; and*
- (d) *The external wall height being reduced to 6.1 metres for the northern elevation and 6.2 metres for the southern elevation.*

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

**DETAILS:**

The proposal involves partial demolition of and alterations and two-storey additions to existing single house. The applicant seeks Council to reconsider condition (iii)(b) of conditional approval granted by the Council at its Ordinary Meeting held on 14 June 2005, which states as follows:

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

- (b) *the carport is to be a single carport with a maximum total width of 3 metres. There is to be no alterations to the existing crossover;...*

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

The current plans stamp dated 9 May 2006 are the same as the plans conditionally approved by the Council at its Ordinary Meeting held on 14 June 2005, stamp dated 13 April 2005.

The applicant generally outlines in the submission that a single carport with a width of 4.85 metres with no alteration to the crossover is preferable, as it is compliant with the R Codes, there will be 2 car bays in tandem, the design of the carport is consistent with the dwelling, is in keeping with the streetscape, allows undercover access from the carport to the house and provides increased weather protection for the front porch.

The applicant also requests in the submission that the \$150 application fee to re-consider this condition be waived as the applicant believes this issue could have been dealt with in the initial application.

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

As similar plans (proposing no further variations) are being considered as part of this application, the following has been taken verbatim from the Minutes of the Ordinary Meeting of Council held on 14 June 2005.

"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>Setbacks:</i>			
<i><u>Main Dwelling</u> Ground Floor-South</i>	<i>1.5 metres</i>	<i>0.945 metre</i>	<i>Supported - setback follows the existing main building setback and no undue impact on neighbours.</i>
<i><u>Outbuilding</u> North</i>	<i>1 metre</i>	<i>Nil</i>	<i>Supported - no objection received from affected owner and no undue impact on neighbours.</i>
<i>West</i>	<i>1 metre</i>	<i>Nil</i>	<i>Supported - as above.</i>
<i><u>Carport</u> North</i>	<i>1 metre</i>	<i>Nil</i>	<i>Supported - as above.</i>
<i>Building on Boundary</i>	<i>Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.</i>	<i>Building walls on two boundaries  Proposed carport has building on northern boundary in the front setback</i>	<i>Supported - no objections received from affected neighbours and no undue impact on neighbours.  Supported - as above.</i>
<i>Outbuilding:</i>			
<i>North</i>	<i>Do not exceed a wall height of 2.4 metres</i>	<i>3 metres wall height</i>	<i>Not supported - it is recommended that the wall height be a maximum of 2.4 metres in accordance with the Officer Recommendation.</i>
<i>South</i>	<i>As above</i>	<i>As above</i>	<i>Not supported - as above.</i>
<i>East</i>	<i>As above</i>	<i>As above</i>	<i>Not supported - as above.</i>
<i>West</i>	<i>As above</i>	<i>As above</i>	<i>Not supported - as above.</i>

<i>Building Height: North</i>	<i>6 metres</i>	<i>5.5 metres - 6.3 metres</i>	<i>Not supported - it is recommended that the upper floor ceiling height be reduced to a maximum of 2.4 metres in accordance with the Officer Recommendation.</i>
<i>South</i>	<i>6 metres</i>	<i>6 metres - 6.4 metres</i>	<i>Not supported - as above.</i>
<i>Carport: Minimum Dimensions</i>	<i>5.4 metres length</i>	<i>5.2 metres length</i>	<i>Not supported - proposed carport is conditioned to be single in accordance with the Officer Recommendation.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> <li>• <i>Southern setbacks.</i></li> <li>• <i>Overlooking.</i></li> <li>• <i>Overshadowing.</i></li> <li>• <i>Visual impact of building bulk.</i></li> </ul>		<p><i>Not supported - the south ground floor setback is considered acceptable as it follows the main building line of the existing house and was no undue impact on neighbours. A further assessment indicates the south upper floor setback is compliant with the Residential Design Codes (R Codes).</i></p> <p><i>Not supported - the development is compliant with the privacy requirements of the R Codes.</i></p> <p><i>Not supported - the development is compliant with overshadowing requirements of the R Codes.</i></p> <p><i>Supported - this has been addressed in the Officer Recommendation.</i></p>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

**COMMENTS:**

*The proposal is regarded to be in keeping with the established streetscape and the variations sought by the applicant (except those relating to the carport dimensions and outbuilding and building height which are addressed in the conditions of the Officer Recommendation) are considered to be supportable and not to have an undue impact on the surrounding area.*

*The proposal was advertised and one objection was received with concerns relating to southern building setbacks, overlooking, overshadowing and visual impact of building scale. These concerns are addressed in the above Assessment Table.*

*A significant tree (Eucalyptus nicholi) on-site is listed on the Town's Interim Significant Tree Data Base-Reference. The proposal does not involve the removal of any trees on the site.*

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

**COMMENTS:**

The current plans do not propose any further variations to the R Codes and the Town's Policies than those plans conditionally approved by the Council at its Ordinary Meeting held on 14 June 2005. These variations are addressed in the verbatim minutes above.

The proposed carport is compliant in terms of width and is not considered to have an undue impact on the streetscape or surrounding amenity.

The original condition was applied, as the Town's Officers had concern that the proposed carport may be used as a double carport, as the plans indicated a widening of the crossover. This concern has been addressed in the applicant's submission and the Officer Recommendation. Notwithstanding the above, the Town's Officers do not consider it appropriate to waive the \$150 fees for the re-consideration of the subject condition, due to the administration cost involved such as the registration, assessment and report writing for the application.

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

**10.1.16 Nos. 480-486 (Lot 15 D/P: 5366) William Street, corner Bulwer Street, Perth - Proposed Alterations and Additions to Signage of Existing Service Station**

<b>Ward:</b>	South	<b>Date:</b>	6 June 2006
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO2482; 5.2005.3319.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Guliger on behalf of the owner B Ricciardello for proposed Alterations and Additions to Signage of Existing Service Station, at Nos. 480-486 (Lot 15 D/P: 5366) William Street, corner Bulwer Street, Perth, and as shown on plans stamp-dated 6 December 2005, 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) prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the six proposed illuminated spreader projecting signs over existing pumps having a minimum clearance of 2.75 metres from finished ground level; and*
  - (b) the proposed monolith signs adjacent to the southern property boundary along Bulwer Street and adjacent to the western property boundary along William Street shall be setback a minimum of 1 metre from these boundaries.*

*The revised plans shall not result in any greater variation to the requirements of the Towns Policies.*

**COUNCIL DECISION ITEM 10.1.16**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Mayor Catania was absent from the meeting until 7.48pm.)**

<b>Landowner:</b>	B Ricciardello
<b>Applicant:</b>	S Guliger
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential
<b>Existing Land Use:</b>	Service Station
<b>Use Class:</b>	Service Station
<b>Use Classification:</b>	"X" (non conforming use)
<b>Lot Area:</b>	2265 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

2 December 2003 The Council at its Ordinary Meeting granted conditional approval for proposed signage to existing service station at the subject property.

**DETAILS:**

The proposal involves alterations and additions to signage at the existing service station at the subject property. The subject service station is a non-conforming use and is on the non-conforming use register.

The signage proposed involves 2 proposed monolith signs, 8 illuminated projecting signs and 2 wall signs.

The application was referred to the Department for Planning and Infrastructure (DPI) on the 26 January 2006, however at the time this report was written the Town had not received a response. A facsimile has been sent to the DPI requesting comment by close of business 9 June 2006 and advising that the application is being referred to an Ordinary Meeting of Council on 13 June 2006.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
Projecting Signs:	Limited to one projecting sign per tenancy	8 projecting signs in total.	Supported - as the signs are considered appropriate for a service station and are not considered to have an undue impact on the streetscape and surrounding amenity.
Six proposed illuminated spreader projecting signs over existing pumps:	Minimum clearance of 2.75 metres from ground level.	Scales to 2.75 metres clearance from ground level.	Supported - and is addressed in Officer Recommendation.

West illuminated red canister 'Shell' sign	Not to exceed 10 per cent of wall the sign is located.	25 per cent.	Supported - as is not considered to have an undue impact on the streetscape or surrounding amenity.
Monolith Signs: South-western monolith sign	Not to be located within 1 metre of boundary.  Not to exceed 6 metres in height.	0.319 metre setback from western property boundary.  7 metres.	Not supported - addressed in Officer Recommendation.  Supported - as the Council at its Ordinary Meeting held on 2 December 2003 approved a 7.05 metres monolith sign on the subject property and is not considered to have an undue impact on the streetscape or surrounding amenity.
South monolith sign	Not to be located within 1 metre of boundary.	0.769 metre of south property boundary.	Not supported - addressed in Officer Recommendation.
Wall Signs: South sign - 'Coles Express' entry door signs	A minimum clearance of 2.7 metres is required from ground level.	2.455 metres.	Supported - doors are existing and signage is not considered to have an undue impact on the streetscape or surrounding amenity.

**Consultation Submissions**

The application is being referred to the Council and is therefore not considered to require advertising.

**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 not considered to have an undue impact on the streetscape or surrounding amenity and is therefore recommended for approval, subject to standard and appropriate conditions to address the above matters.

**10.1.20 East Perth Redevelopment Authority – Parry Street Precinct, Northbridge - Revisions to Design Guidelines for Lot 828 Lord Street, Northbridge**

<b>Ward:</b>	South	<b>Date:</b>	6 June 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0022
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Batina		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the letter dated 22 May 2006 and associated documentation from the East Perth Redevelopment Authority in relation to the proposed revisions to the Design Guidelines for Lot 828 Lord Street corner Parry Street, Northbridge, within the Parry Street Precinct as shown in Attachment 10.1.20; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has no objection to the proposed changes outlined in the documentation provided in relation to proposed revisions to the Design Guidelines for Lot 828 Lord Street corner Parry Street, Northbridge within the Parry Street Precinct.*

**COUNCIL DECISION ITEM 10.1.20**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Mayor Catania was absent from the meeting until 7.48pm.)**

**PURPOSE OF REPORT:**

The purpose of this report is to outline to the Council the proposed revisions to the Design Guidelines for Lot 828 Lord Street, Northbridge which is located within the Parry Street Precinct.

**DETAILS:**

The Town has received a letter dated 22 May 2006 and associated documentation advising that the East Perth Redevelopment Authority (EPRA) Board, advising the recent endorsement by the Board for the advertising of a minor modification to the Design Guidelines for Lot 828 Lord Street, within the Parry Street Precinct.

EPRA is now seeking comments on the proposed minor revisions to the Design Guidelines, with the public comment period closing on 12 June 2006.

The proposed modifications are outlined below:

*“The guidelines for Lot 828 Lord Street, corner Parry Street, Northbridge, currently identify a maximum site cover restriction of 100%. This requirement conflicts with the requirement to set back the development from the single storey heritage building at Lot 827 Parry Street.*

*It is proposed to remove reference to site cover for this site, given the identified difficulty in achieving this provision. This change will reduce confusion, not alter the intended built form for the site."*

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The minor revision to the Design Guidelines relating to Lot 828 Lord Street corner Parry Street, Northbridge, relates to Table 5: Summary Information for the Parry Street Precinct, which forms part of *'The Village Northbridge Design Guidelines'*.

Due to an identified anomaly in the development requirements between the site coverage requirement of 100 percent and the setback requirements for Lot 828 Lord Street, the proposed minor modification is to delete any reference to the site coverage requirement, so to enable the setback requirement, dictated by the adjoining single storey heritage property on Lot 827 Lord Street, to be satisfied.

As stated in the covering letter from the East Perth Redevelopment Authority dated 22 May 2006, the implications on the building form for the site (Lot 828) will not be hindered as a result of this modification proposed.

In light of the above, it is recommended that the Council receives the documentation relating to the proposed minor modification to the Design Guidelines related to Lot 828 Lord Street corner Parry Street, Northbridge. Given its minor nature and minimal implications, that the Town advises EPRA that it supports the proposed minor modification.

**10.2.1 Traffic Management Matter – Referral to Local Area Traffic Management Advisory Group**

<b>Ward:</b>	Both	<b>Date:</b>	31 May 2006
<b>Precinct:</b>	Oxford Centre Precinct; P4	<b>File Ref:</b>	TES0045
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	R. Lotznicker		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on Traffic Management Matter referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *REFERS the following matter, as listed below and detailed in the report, to the Town's Local Area Traffic Management Advisory Group for their consideration;*
  - *Morning Clearway Restriction Vincent Street - South side between Oxford and Loftus Street; and*
- (iii) *NOTES that, should this be required, a further report will be submitted on the matter listed following consideration by the Town's Local Area Traffic Management Advisory Group.*

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**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Mayor Catania was absent from the meeting until 7.48pm.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval to refer a matter to the Local Area Traffic Management (LATM) Advisory Group for consideration.

**BACKGROUND:**

The LATM Advisory Group meets monthly to consider requests received by the Town relating to Traffic and related safety issues. The Group considers these requests and, where warranted, the Group's recommendations are reported to the Council.

At the ordinary Meeting of Council held on 10 November 1997 the Council decided to:

*Approve the introduction of a morning clearway southside of Vincent Street between Loftus and Oxford Streets, Leederville, between the hours of 7.30 am to 9.00 am Monday to Friday*

At the time, a letter was sent to all householders and businesses on the south side of Vincent Street between Loftus and Oxford Streets, advising them of the proposal to introduce a morning clearway restriction and seeking their comments. One written and one telephone response was received, both opposing the introduction of a morning clearway, stating that visitors would have nowhere to park between 7.30 am and 9.10 am Monday to Friday.

One respondent advised that the Council should be promoting improvements in public transport and encouraging non-car transport into the city rather than improving the level of service of roads to cater for more vehicles.

An observation of the section of Vincent Street between Loftus and Vincent Streets during the morning peak period revealed that considerable traffic congestion occurred at the intersection of Oxford and Vincent Streets, including a considerable build-up of traffic at the Loftus Street end of Vincent Street. This congestion was caused by only a few vehicles parked on the south side of Vincent Street.

#### **DETAILS:**

The Town recently received the following correspondence (in part) from a resident of Vincent Street requesting the requirement for the above clearway restriction be reconsidered.

*Now that it has been demonstrated that abandoning the Clearway designation for the eastbound side of Vincent St between Loftus and Oxford Streets has had no significant adverse effects on eastbound traffic flows, I would like to suggest that Council consider abandoning the Clearway designation of the westbound side of the road. Presumably traffic flows are similar in both directions so that abandoning the westbound The Clearway will not cause great inconvenience to motorists. However, it will have considerable benefits for residents of Vincent St*

- *those many residents who do not have space to park one of their cars in a driveway or garage will not have to park on the footpath during the Clearway restricted and there are usually between 10 and 20 of them during Clearway restricted times*
- *during the Clearway restricted times many residents suffer regularly from a stream of abuse from other drivers when they slow down/stop prior to entering their driveway*
- *parked cars act as a form of traffic calming device.*

*I hope that Council will act in the interests of its residents by abandoning the Clearway designation for the westbound side of Vincent St. between Loftus and Oxford Streets. The convenience of motorists using Leederville as a thoroughfare should be secondary and, in any event, the experience of abandoning the Clearway designation for the eastbound side of Vincent St. suggests that the inconvenience to motorists is likely to be negligible.*

It is recommended that this matter be referred to the Town's LATM Advisory Group and that a community representative be invited to attend the meetings.

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

Not applicable at this stage.

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

N/A

**STRATEGIC IMPLICATIONS:**

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

*“o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable at this stage.

**COMMENTS:**

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

The matter listed in this report requires further investigation and discussion and it is therefore recommended that this be referred to the Town's Local Area Traffic Management Advisory Group for further consideration.

**10.2.4 Proposed Renaming of Tyler Street to Merredin Street, Mt Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	2 June 2006
<b>Precinct:</b>	Hyde Park Precinct; P12	<b>File Ref:</b>	TES0320
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A. Munyard		
<b>Checked/Endorsed by:</b>	R. Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ACCEPTS the report on the renaming of Tyler Street between Scarborough Beach Road and Green Street, Mount Hawthorn, as illustrated in Plan 2443-CP-1;*
- (ii) *APPROVES the change of name to Merredin Street; and*
- (iii) *ADVISES the Geographic Names Committee and all affected property owners of the Council's decision.*

**COUNCIL DECISION ITEM 10.2.4**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Mayor Catania was absent from the meeting until 7.48pm.)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the need to rename Tyler Street in Mount Hawthorn and to seek their approval of the new name "Merredin Street".

**BACKGROUND:**

Tyler Street originates in Scarborough Beach Road, Mount Hawthorn, and runs in a Northerly direction to Green Street. On the other side of Green Street, Tyler Street, Joondanna, continues within the City of Stirling. Tyler Street in Mount Hawthorn provides side access to properties facing Scarborough Beach Road and Bondi Street but has not been used to provide property addressing. Therefore, the City of Stirling has commenced street numbering using the number 1.

**DETAILS:**

A recent three lot subdivision of a Scarborough beach Road property at the corner of Tyler Street will produce one lot which must be addressed off the Town's position of Tyler Street, and it is anticipated that more lots in similar circumstances may be created in the future. A second lot which will be created in this same subdivision has the choice of fronting Bondi Street, or Tyler Street. As no numbers are available for use South of Green Street, renaming of the portion of Tyler Street within the Town of Vincent is the only solution to address this dilemma.

The Geographic Names Committee strongly discourage street renaming, however in these circumstances they have given their agreement in principle.

The Town's Officers have researched the history of the development of Mount Hawthorn to find a suitable name. The following is an excerpt from the Towns Draft Thematic History;

*"On the north side of Scarborough beach Road, the Merredin Park Estate was offered at auction in 1901. This Estate advertised "splendid mansion and villa sites" on streets named after cities. A number of the streets of the subdivision were later renamed, such as Dublin (Shakespeare), Wellington (Dunedin), Brisbane (Haynes) and Adelaide (Eton).*

Changing the name of a street is rarely considered acceptable by the Geographic Names Committee, and on those occasions when it is necessary, it is desirable that the new name has some relevance to the area.

As those street names which were changed for some reason have already been re-allocated within ten (10) kilometres for Tyler Street and would therefore not be acceptable to the Geographic names Committee, it is proposed that Tyler Street, south of Green Street, be renamed Merredin Street, after the name of the estate within which it was created.

**CONSULTATION/ADVERTISING:**

Generally when a street name is changed, residents are consulted. In this circumstance, there are no residents of Tyler Street, between Scarborough Beach Road and Green Street, and therefore consultation is not proposed.

**LEGAL/POLICY:**

Changing of a road name must be approved by the Local Government and submitted to the Geographic Names Committee for assessment and Ministerial approval. This process is governed by the Land Administration Act 1997 - Part 2 Clause 26 (2) (a), (b) and (c).

**STRATEGIC IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of implementing the change of name is estimated to be approximately \$300 for the replacement of street nameplates.

**COMMENTS:**

Recent subdivision of a lot abutting Tyler Street has yielded one and possibly two lots which will require addressing off that Street. This street originates in the Town of Vincent, at Scarborough Beach Road, and continues across Green Street within the City of Stirling. Until now no properties on the Town's section of Tyler Street have required street numbering, and therefore the numbering from one (1) has been allocated on the City of Stirling side.

In order to provide addresses for these properties, the Geographic Names Committee have approved in principle changing the name of the street between Scarborough Beach Road and Green Street. There are currently no residents with addresses off Tyler Street in Mount Hawthorn, and therefore the name change would have no effect on existing residents.

As Tyler Street is part of the original subdivision known as "Merredin Park Estate" it is proposed that the section between Scarborough beach Road and Green Street be renamed "Merredin Street".

The Town's Heritage Officers are in concurrence with the proposal.

**10.2.5 State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No.8**

<b>Ward:</b>	Both	<b>Date:</b>	6 June 2006
<b>Precinct:</b>	Banks; P15, Forrest; P14 and Mt Lawley Centre; P11	<b>File Ref:</b>	TES0313
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker, M Rootsey, S Moodley		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

***FURTHER OFFICER RECOMMENDATION:***

*That the Council;*

- (i) ***RECEIVES*** the further report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 8;
- (ii) ***NOTES;***
  - (a) *the outcome of the Detailed Public Consultation (refer attachment 10.2.5);*
  - (b) *that should the project proceed, the revised 'preliminary' estimated value of the Town's contribution to the Highgate East State Underground Power Program will be in the vicinity of \$3,400,000 given that the size of the area has increase slightly and material and 'estimated' installation costs have also increased;*
- (iii) ***ADVISES*** Western Power of the 'positive' outcome from the resent 'Public Consultation' and that the Town reserves the right to make an informed decision on the progression of the project prior to it providing a 'letter of intent' and signing a formal contract, with Western Power, to proceed with the implementation phase of the project, pending the determination of the final project cost; and
- (iv) ***RECEIVES*** a further detailed progress report on the final financial model once the tender price for the project implementation has been formally received and determined.

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**COUNCIL DECISION ITEM 10.2.5**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Mayor Catania was absent from the meeting until 7.48pm.)**

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**PURPOSE OF REPORT**

The purpose to this report is to advise the Council of the results of the Underground Power Detailed Public Consultation Survey undertaken by an independent market research company, Asset Research.

## **BACKGROUND:**

As part of State Underground Power Program (SUPP) Detailed Proposal Stage, the Town was required to survey all property owners in the SUPP area to gauge their support and whether they would be willing to contribute financially towards the project.

A detailed report on the matter was presented to Council at its Ordinary Meeting held on 28 March 2006 where the following decision was adopted (in part):

*That the Council;*

- (ii) **APPROVES:**
  - (a) *the option of allowing pensioners to defer full payment until the property is transferred and that the final payment will include interest on the amount; and*
  - (b) *the revised Underground Power Survey Form and Brochure, as shown in Appendix 10.2.1 be amended to include the wording of clause (ii)(a) in the Form and Brochure;*
- (iii) **AUTHORISES** *the Chief Executive Officer to urgently conduct a survey of ratepayers in the Highgate East State Underground Power Project area allowing them twenty-one (21) days in which to respond to the survey;*
- (iv) **ADVISES** *Western Power by no later than 31 March 2006 that the Town is committed to continuing with the Detailed Proposal Stage of the Highgate East State Underground Power Project; and*
- (v) **NOTES** *that;*
  - (a) *the attached confidential DRAFT Underground Power Costing Model (issued separately to Elected Members) will be readjusted/refined and presented in a further report to the Council once fixed prices have been determined following the Western Power Tender process currently scheduled for May/June 2006;*
  - (b) *should the project proceed, at least \$2,885,700 in loan funding will need to be listed for consideration in the 2006/2007 draft budget; and*
  - (c) *a further report will be submitted to the Council at the conclusion of the ratepayer survey outlining in detail the results of the survey.*

The Town subsequently appointed a company called 'Asset Research' to undertake the ratepayer survey on its behalf.

## **DETAILS:**

### **Community Consultation**

As part of the consultation on 10 April 2006, a total of 1221 surveys packages were mailed out. The original closing date of the consultation was 3 May 2006 however this was extended to the 10 May 2006 after an error was found in the survey forms, regarding the payment options. The proposed payment options should have been spread over 10 years and not 6 years as originally indicated on the survey form. It was fortunate that Asset Research had only distributed a very small number of original 'white' coloured forms, hence only a few property owners received the forms twice.

As a result 1221 revised forms on 'sand' coloured paper (*for identification*) were mailed to all property owners and only the 'sand' coloured forms were assessed for the survey.

Of the 1221 surveys posted out, 399 completed surveys were received representing a response rate of 32.7 %.

A breakdown of the survey composition is outlined as follows:

Residential	1096
Commercial	68
Industrial	26
Vacant Land	31
<b>Total</b>	<b>1221</b>

The ratepayer survey included the following key information areas:

- Support for the installation of underground power;
- Payment preference; and
- Preferred payment option;

### Summary of Consultation Results

A summary of the results is outlined in the following table. A copy of the full report by Asset Research is attached.

<b>PROPOSAL</b>	<b>RESPONSE</b>
Support for Underground Power	<ul style="list-style-type: none"> <li>• 82.9% respondents support underground power</li> <li>• 17.1% do not support it</li> </ul>
Contribute towards Underground Power	<ul style="list-style-type: none"> <li>• 77.6% respondents would contribute</li> <li>• 22.4% would not contribute</li> </ul>
Preferred Payment Method	<ul style="list-style-type: none"> <li>• 50.4% - full upfront payment</li> <li>• 18.2% - 3 year option</li> <li>• 11.2% - 5 year option</li> <li>• 3.0% - 7 year option</li> <li>• 9.0% - 10 year option</li> <li>• 8.1% - deferred payment</li> </ul>

### Additional Information

During the Public Consultation, there had been a newspaper article that encouraged residents to write on the forms requesting that the Town administration contribute towards the Project.

Asset Research kept track of all surveys received after the article was published and found that there was no significant change in comments or results after the article was published.

A separate question arose on the removal of the High Voltage Transmission lines on Joel Terrace and Pakenham Street. The removal, placing underground or re-routing Transmission lines is not included in the Highgate East Project.

The State Government has indicated their decision in Appendix F, clause 3 of the Underground Power Project Guidelines "Although community desire is also to underground transmission lines in a project area, prohibitive cost exclude this from the Program scope of works." Hence, the State Government or Western Power will not contribute any funding towards this.

#### Comments / Conclusions

As previously mentioned the ratepayer survey is a prerequisite to progressing the SUPP. As outlined above the survey results indicate that 82.9% of respondents support the SUPP and that 77.6% of respondents are prepared to contribute to the project.

The following (updated) timetable outlines all the required steps involved with the Detailed Proposal Stage of the SUPP

<b>Task</b>	<b>Initial Date</b>	<b>Updated Status</b>
Boundary issues	<i>July 05</i>	• <b>Completed</b> -Jan 06
Equipment Location Sign off	<i>July 05</i>	• <b>Completed</b> - Dec 05
Project Design Completed	<i>Oct 05</i>	• <b>Completed</b> - Feb 06
Provision of Cost estimate	<i>Nov 05</i>	• <b>Completed</b> -Jan 06
Community Survey	<i>Jan 06</i>	• <b>Completed</b> - May 06
Draft Agreement	<i>Feb 06</i>	• Not Commenced
Tenders called	<i>Feb 06</i>	• <b>In Progress</b> - 20 Jun 06
Agreement Signed	<i>Apr 06</i>	• Not Commenced
Project Commencement	<i>June/July 06</i>	• Not Commenced

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

Once the final costs have been determined i.e. once Western Power have received and assessed the tenders and the Town has finalised its funding model based on this information further letter will be distributed to the ratepayers outlining the actual contribution to the project.

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

N/A

#### **STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005 - 2010 - 1.4 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "j) Develop a strategy for the staged implementation of underground power throughout the Town."*

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

##### **Town of Vincent Funding requirement**

As previously reported to Council, the Town originally required approximately \$2.9m, however due to the increase size of the area and increasing cost of materials, labour and import duties Western Power have advised that the final cost are expected to be as much as 15% higher than originally estimated.

Note: The exact figure will not be known until the tender prices have been determined (due early July 2006).

**COMMENTS:**

As previously mentioned the ratepayer survey is a prerequisite to further progressing with the SUPP. The survey results indicate that 82.9% of respondents support the SUPP and that 77.6% of respondents are prepared to contribute to the project.

A brief overview of the outstanding process is outlined as follows:

- The Town's electrical consultant is currently meeting with officers to recalculate the commercial property contributions based on the revised estimates. This will be finalised once fixed cost are known in July.
- The final design has been approved and Western Power have gone out to tender as of 19 May 2006. The tender is due to close on the 20 June 2006.
- On receiving final cost, Western Power will require a 'letter of intent' prior to signing a contact with the Town to proceed with the construction phase.
- The Town's rates officers are currently re-checking the ratepayers' database and working with the Town's Financial Services officers to determine the best implementation for charging the appropriate ratepayers.
- The final costing table with actual figures will be revised once Western Power provides a fixed price.
- A revised newsletter advising residents of the outcome of the survey and final cost will be sent out once the final costing table has been completed and approved by the Council.
- Assuming all goes well, the project should commence in September 2006.

In order to proceed with the next stage of the Detail Proposal Stage, the Town is required to advise Western Power of its intent to continue with the project.

Given that the final cost of the project will not be determined until the end of June it is recommended that the Council advises Western Power of the positive outcome of the community consultation and that the Town reserves its right to make a final judgement on the SUPP prior to providing a 'letter of intent' and prior to signing a formal contact with Western Power to proceed with the implementation phase until the final cost of the project has been determined.

**10.3.2 Authorisation of Expenditure for the period 1 - 31 May 2006**

<b>Ward:</b>	Both	<b>Date:</b>	2 June 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	M Orchard		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 May - 31 May 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*

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**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Mayor Catania was absent from the meeting until 7.48pm.)

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**DECLARATION OF INTEREST**

<b>Members/ Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
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Nil.

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1- 31 May 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
<b>Municipal Account</b>		
Town of Vincent Advance Account		
	EFT	\$1,550,746.85
	EFT	\$1,633,093.42
<b>Total Municipal Account</b>		<b>\$3,183,840.27</b>
<b>Advance Account</b>		
Automatic Cheques		
	55298-55572, 55577-55581	\$628,244.00
Trust Account Cheques		0
Transfer of Creditors by EFT Batch 520-521, 523-527, 528		\$770,330.41
Transfer of PAYG Tax by EFT	May 2006	\$172,090.00
Transfer of GST by EFT	May 2006	
Transfer of Child Support by EFT	May 2006	\$631.14
Transfer of Superannuation by EFT City of Perth	May 2006	\$15,019.40
Local Government	May 2006	\$44,041.55
<b>Total Advance Account</b>		<b>\$1,630,356.50</b>

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**Bank Charges & Other Direct Debits**

Bank Charges – CBA	\$2,635.14
Lease Fees	\$2,203.27
Corporate Master Cards	\$4,348.35
Australia Post Lease Equipment	\$536.93
2 Way Rental	\$3,502.15
Loan Repayment	\$129,328.62
Rejection Fees	\$5.00
ATM Rebate	\$0.00
Beatty Park - miscellaneous deposit	\$0.00
<b>Total Bank Charges &amp; Other Direct Debits</b>	<b>\$142,559.46</b>

**Less GST effect on Advance Account** **-\$71,300.78**

**Total Payments** **\$4,885,455.45**

**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**

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

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Mayor Catania was absent from the meeting until 7.48pm.)**

**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:

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
22/05/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Independent Teachers Union Conference - 22 May 2006 (Glory Lounge and Gareth Naven Room)
22/05/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd of Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 22, 24, 25, 29 and 31 May 2006 (Change Rooms 1, 2 and Pitch)

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
23/05/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Chicken Treat Event - 25 May 2006 (Glory Lounge and Gareth Naven Room)
23/05/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of unit 25, 257 Balcatta Road, Balcatta 6021 and Western Australian Rugby League Ltd of Members Equity Stadium, 310 Pier Street, Perth 6000 re: National Under 15's Event - 25-30 June 2006 (Western Stand, Grandstand and Pitch - including Glory Lounge and Gareth Naven Rooms for functions on 26 and 28 June 2006)
29/05/06	Lease	3	Town of Vincent and Leederville Cricket Club (Inc), c/o 12 Kintore Place, Padbury 6025 and Western Australian Junior Rugby (Inc), PO Box 146, Floreat WA 6014 re: Britannia Road Reserve Clubrooms, Britannia Road, Leederville - (1/12/05-30/11/10)
29/05/06	Deed	2	Town of Vincent and Michael Ian Lurie and Nicholas John Aitken of Michael Lurie & Associates, Citibank House, Level 16, 37 St George's Terrace, Perth re: Nos 128-130 (Lots 28 and 27) Joel Terrace, Mount Lawley - WAPC Ref: 551-05 - Conditions of Survey Strata Approval
31/05/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd of Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13 and 14 June 2006 (Change Rooms 1, 2 and Pitch)
31/05/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Independent Teachers Union Conference - 13 June 2006 (Glory Lounge and Gareth Naven Room)
31/05/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of unit 25, 257 Balcatta Road, Balcatta 6021 and Members Equity Bank of L1, 111 St Georges Terrace, Perth 6000 re: World Cup Event - 18-19 June 2006 (Western Stand, Grandstand and Pitch)

**10.4.2 Lot 118 Mindarie - Negotiated Planning Solution - Bush Forever**

<b>Ward:</b>	-	<b>Date:</b>	24 May 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	PRO0739
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council AUTHORISES;*

(i) *the signing and sealing of the transfer document, acknowledgement of conditions as outlined in paragraph 2 and other such other documentation as may be required to transfer the land to the State Government of Western Australia subject of the survey plan referred to in this item being 89.1765 hectares of the Lot 118 Mindarie land parcel and being part of Lot 118 on deposited plan 28300 which is contained in Certificates of Title 2213 Folios 691 – 697 inclusive:*

- *Certificate of Title Volume 2213 Folio 691 – City of Perth, one undivided twelfth share*
- *Certificate of Title Volume 2213 Folio 692 – Town of Cambridge, one undivided twelfth share*
- *Certificate of Title Volume 2213 Folio 693 – Town of Victoria Park, one undivided twelfth share*
- *Certificate of Title Volume 2213 Folio 694 – Town of Vincent, one undivided twelfth share*
- *Certificate of Title Volume 2213 Folio 695 – City of Stirling, four undivided twelfth shares*
- *Certificate of Title Volume 2213 Folio 696 – City of Joondalup, two undivided twelfth shares*
- *Certificate of Title Volume 2213 Folio 697 – City of Wanneroo, two undivided twelfth shares*

*subject to;*

- (a) *preparation of a transfer document in the form required for a (net of GST) consideration payment of \$15,887,156;*
- (b) *the provision of letters from the Western Australian Planning Commission (WAPC) agreeing;*
1. *to produce and perform a management plan for the land to be transferred by the local authorities to the WAPC, west of Marmion Avenue;*
  2. *to the fencing of the subject land along Marmion Avenue;*
  3. *to the consideration of the large adjacent coastal conversation reserve being assembled, including 89.175 hectares of land from Lot 118, that POS provision within the residual 30 hectares of residential land west of Marmion Avenue be 5% in lieu of the normal 10% POS provision;*

4. *that in the event the land transferred to the WAPC from Lot 118 is no longer required for POS or Bush Forever Policy purposes, the landowners will have the right to reacquire the land at a value that reflects the same zoning used to establish the consideration for the now proposed purchase by the WAPC;*
  5. *that an environmental assessment will not be required for the remaining residential land in Lot 118 west of Marmion Avenue;*
  6. *that the WAPC will objectively consider removal of areas 5, 16 and 4 from POS/Bush Forever reservation if the logic for excision is adequately established by the owners at the time of preparing a Structure Plan for development of the urban land west east of Marmion Avenue; and*
  7. *that the WAPC will facilitate a land exchange of areas 11 and 19 for POS land within Lot 118, or alternatively a first option for purchase by the local authority owners of Lot 118 for inclusion in a Structure Plan for all of the urban land west east of Marmion Avenue and east of the Mitchell Freeway;*
- (c) *all documentation and consideration payments being programmed for completion prior to 30 June 2006; and*
- (d) *the Council providing the necessary authorisation to the WAPC to make the payment of the land transfer consideration direct to the Tamala Park Regional Council, as provided in clause 8.1 of the Tamala Park Regional Council Establishment Agreement;*
- (ii) *the necessary applications for balance Certificate of Titles following transfer of the land to the WAPC; and*
- (iii) *the consequential GST invoice and other documentation necessary for completion of the transaction.*
- 

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Mayor Catania was absent from the meeting until 7.48pm.)**

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**PURPOSE OF REPORT:**

To advise the Council of the history of a Negotiated Planning Solution with the West Australian Planning Commission and to seek approval for transfer of land west of Marmion Avenue for a nominated compensation payment.

**BACKGROUND:**

In 1998 the State Government proposed a Bush Plan policy which sought to preserve typical remnant examples of natural bushland in different soil and topography along the coastal plain extending from the ocean to the Darling scarp.

The Bush Plan policy was widely advertised and subject of an extensive consultation period.

In 2002 a revision of Bush Plan produced the Bush Forever policy document which has since resulted in a number of Bush Forever conservation areas being included in the Metropolitan Region Scheme through Scheme Amendment 1088/33A.

Bush Forever is also supported by a statement of planning policy, which involves the Ministry for Planning & the Environmental Protection Authority (and other statutory agencies as necessary) to ensure that Bush Forever policy outcomes will be achieved.

Bush Forever sites have been progressively secured through a number of processes. In the case of Lot 118 Mindarie it was originally proposed that some 300 hectares be reserves. Following initial negotiations, this figure was somewhat reduced and current proposals are for approximately 268 hectares of Lot 118 Mindarie to be reserved under Bush Forever policy or as public open space under the MRS.

Bush forever policy facilitates the government prevent development of land. The Government can achieve this outcome without acquiring the land or payment of compensation to the landowner.

Notwithstanding the above, the Government has sought to have Bush Forever conservation areas transferred to public ownership and is achieving this goal through a combination of planning conditions, compulsory purchase, negotiated purchase and negotiated planning solutions which involve combinations of some or all of these elements.

In the case of Lot 118 Mindarie, a negotiated planning solution has been proposed. The elements of the solution have been developed over several years of negotiation involving representatives of all of the owner local governments supported by decisions by the Councils of the owner local governments.

The principal elements of the Negotiated Planning Solution for Lot 118 Mindarie are as follows:

1. Retention of part of the residential land west of Marmion Avenue for urban development.
2. Rezoning of rural land east of Marmion Avenue to Deferred Urban.
3. Agreement to consider adjustment of public open space boundaries west of Marmion Avenue depending upon the logic of structure planning undertaken by the local authority owners.
4. Agreement to exchange State Government land for local government owner (POS) land for inclusion in an urban development.
5. Compensation payments for part of the land prior to June 2006.

The Tamala Park Regional Council has been established based upon the availability of urban land for development as outlined above. All 7 local authority owners have approved the Tamala Park Establishment Agreement. The owners are also participants in the Tamala Park Regional Council.

The Council establishment is predicated on the assumption that the compensation for land acquisition west of Marmion Avenue will be received in 2006 and will provide all required seed funding for the Council from 1 July 2006. The funding plan for the Council is that there will not be any requirement for a draw on participant municipal funds following 1 July 2006.

**Bush Forever Compensation Payments (Clause 8.1 of the Establishment Agreement)**

Each participant is to ensure that the amount of the State's payment or payments of compensation to that participant under the Bush Forever Policy in respect of the Land;

- (a) is paid to the TPRC directly by the State; or
- (b) is paid by the participant to the TPRC within 14 days of:
  - the payment being received from the State by the Participant; or
  - the operative date;whichever occurs later.

Whelans, town planners and surveyors, have been commissioned to complete the survey of the land west of Marmion Avenue that will transfer to the WAPC. The survey plan has been completed and lodged for approval. The precise area that will transfer is 89.1765 hectares.

All of the local government owners will be required to sign the transfer documents and agree the additional conditions relating to the Negotiated Planning Solution. Ownership by the local authorities is joint tenant ownership in the following shares:

<b>Council</b>	<b>Project Shareholding Joint Development Shares</b>
Town of Cambridge	1/12
City of Perth	1/12
Town of Victoria Park	1/12
Town of Vincent	1/12
City of Joondalup	2/12
City of Wanneroo	2/12
City of Stirling	4/12

**CONSULTATION/ADVERTISING:**

Local authorities are required to give notice of land transactions in excess of \$1M through the vehicle of a Business Plan. The Business Plan has been completed, advertised, submissions notified and all of the 7 local authorities have formally resolved to proceed with implementation of the Plan. There is therefore no additional formal consultation required.

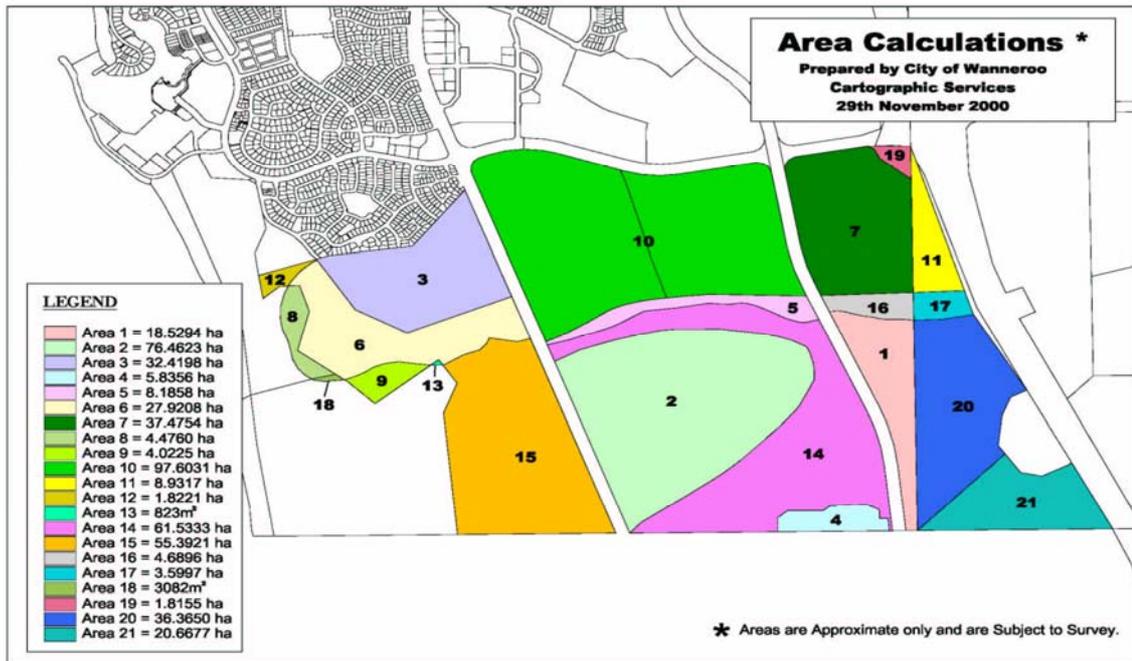
**LEGAL/POLICY:**

Nil.

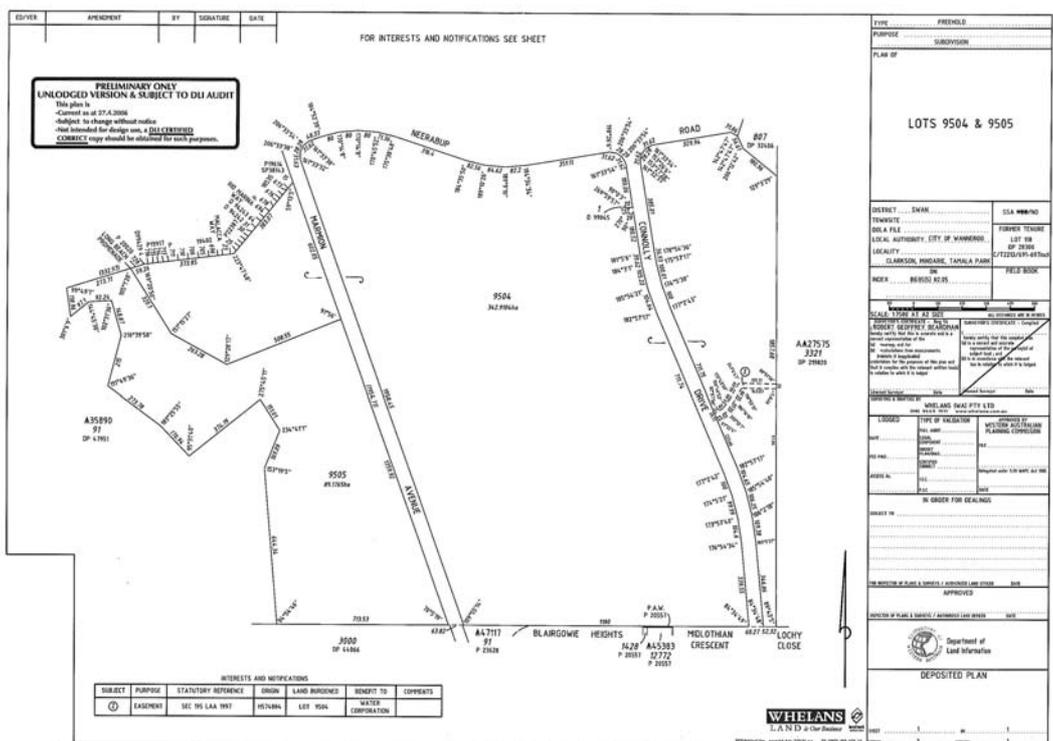
**STRATEGIC IMPLICATIONS:**

Settlement of compensation and the first part of a NPS with the WAPC facilitates progress with the urban development of part of the land allocated for development by the TPRC. The urban development of the land will work in with State and City of Wanneroo development strategies for the Perth northern corridor and will commence the process through which funds will be generated from the urban development for benefit of the participants of the TPRC.

**Area Calculation Plan**



**Survey Plan Land for Transfer to WAPC**



**FINANCIAL/BUDGET IMPLICATIONS:**

Settlement of compensation by 30 June 2006 will obviate any necessity for any participant of the TPRC to provide budget funds to support the Council in 2006/07 and subsequent years.

The TPRC Establishment Agreement provides that the compensation for land received from the WAPC will be paid either direct to the TPRC. The necessary contra entries required to record the transaction will be left for individual action by the owner Councils.

Since negotiations commenced for the Bush Forever NPS, the following (in order) has been achieved.

**Land West of Marmion Avenue**

- (a) Securing 27.4 hectares of residential land for urban development – increased from nil in initial Bush Forever proposals.
- (b) Increase of 27.4 hectares to 30.48 hectares for residential development.
- (c) Agreement for offset of normal POS requirements of 10% against POS provided in adjacent reserves – reducing overall POS requirement to 5%.
- (d) Agreement by WAPC to implement a coastal foreshore management plan for land ceded by local authority owners.
- (e) Agreement by WAPC to fence the entire coastal management reserve.
- (f) Agreement by WAPC to pay compensation for all residential land in excess of 30% - which is a minimum retention under Bush Forever.
- (g) Agreement to use compensation values averaged over the whole of the residential land rather than the specific area ceded. This has increased average compensation per hectare from \$1,115,000 to \$1,269,000.
- (h) Agreement to meet part of the local authority's valuation costs.
- (i) Agreement to the local authority owner valuation.
- (j) Agreement to compromise GST payments under the margin scheme – which was the basis for the owner valuation.

**Land East of Marmion Avenue**

- (a) Rezoning of 90 hectares of POS to public utility purposes and exclusion of most of this area from Bush Forever.
- (b) Rezoning of 135 hectares from Rural to Urban Deferred under MRS Amendment 992/33.
- (c) Agreement to future consideration for areas 5, 16 and 4 (see attached plan) to be excised from POS reservation depending upon cogent argument in structure planning.

- (d) Agreement to a potential exchange of areas 19 and 11 for offset against future compensation payable by the State Government for area 1 and potentially other areas excepting 10 and 7 when these areas are due for transfer to the State as MRS - POS.

#### **Compensation Payment Amount – West of Marmion Avenue**

The Valuer General was appointed to undertake valuations of the different parcels of land involved in the overall Negotiated Planning Solution. Copies of the composite and individual parcel valuations have previously been supplied to each of the local government owners.

For the compensation negotiations for land on the west of Marmion Avenue the owners' valuation which formed the basis of negotiation indicated that the amount that should be paid by WAPC in respect of residential zoned land was \$14,926,818. This valuation included GST at the margin scheme, which implied a non-rebateable payment of tax by the owners.

The rural land valuation was \$1,060,338. The aggregate compensation claim was therefore \$15,987,156 including an owner's liability for GST for residential land at the margin scheme.

The WAPC negotiation was \$14,533,778 with owners meeting residential land GST - \$447,883.

Further negotiations led to the WAPC accepting the owners' gross figure of \$15,987,156. The WAPC also agreed to meet GST of \$106,034 for rural land with the owners still meeting the margin scheme GST liability of \$447,883.

A GST valuation was then commissioned on behalf of the owners. Research at this point discovered a number of complications in establishing the GST value to be applied to the land for which compensation payment was being made by the WAPC.

In summary, the complications were as follows:

- Previous GST rulings indicated that a GST valuation as at 1 July 2002, for the part of land subject of compensation should be calculated using an average value of the whole land parcel. In this instance all but 60 hectares of the 432 hectare site was zoned Rural in 2002. The average per hectare value over the whole of the land was therefore very low.
- The NPS was based on a series of averages. Firstly, the average of a 60-hectare parcel of land for the purpose of establishing unit rates. Secondly, an average 30% of residential land that would be given up free of cost and lastly an average of 11.7854 hectares for which compensation would be paid. Neither the 30% or 11.7854 hectare components was (or needed to be) defined as a specific land parcel for the purpose of establishing compensation but could need to be defined for the purpose of establishing a GST valuation as at 1 July 2000. This could be quite problematic as it could then require further current values to be ascertained to establish the margin applying to the specified land parcels.
- Following on from the above, a preliminary calculation indicated that GST payable by the owners under the margin scheme could be somewhere between \$800,000 and \$1.2M which was considerably more than the initial estimate of \$447,883.

- A special GST ruling to endeavour to reduce the margin scheme GST would likely take some 6-8 months to obtain because of the complications outlined above. The GST valuation to support an application for the ruling was likely to take a considerable time to produce and would cost a considerable sum (the original valuation cost \$24,000).
- The Valuer General's Office has been asked for advice on how best to proceed with the valuation issues involved in calculation of the GST applicable using the margin scheme. The Valuer General has advised that the issues are such that the most expeditious and certain course of action would be to renegotiate the basis for compensation payments by the WAPC.

In consideration of all of the above, negotiations recommenced with the WAPC proposing that the WAPC agree that GST should be payable at the rate of 10% for all land. The valuation figure of \$15,987,156 would still be the basis for payment to the local authority owners. In consideration of the WAPC, agreeing to a vendor's election to have GST apply at the full 10% (notwithstanding the valuation being established on the margin scheme). The net valuation figure to be paid would be reduced by \$100,000 to \$15,887,156.

The net result of these adjustments is that the local authorities would provide a GST invoice to the WAPC for an amount of \$1,588,715 and the WAPC would receive a rebate of the GST paid to the local authorities in a subsequent month's Business Activity Statement (BAS). The owner's negotiation would result in an additional net receipt of \$347,883, compared with the previous negotiated best position when the owners remained liable to pay \$447,883 GST under the margin scheme.

The WAPC has agreed that the net payment of \$15,887,156 to the local authority owners and has agreed to make the payment prior to 30 June 2006, subject to completion of transfer documents and an associated exchange of letters to recognise the additional elements of the Negotiated Planning Solution.

#### **COMMENTS:**

In all of the circumstances it is now advantageous for the local authority owners to complete formalities and to work to ensuring receipt of compensation funds by 30 June 2006.

The recommendations of this report are designed to facilitate completion of all documentation without further reference to the Council. Future dealings of the land will be carried out by the Tamala Park Regional Council on behalf of the owner Councils.

**10.1.3 No. 6 (Lot 1 D/P: 17910) Wavertree Place, Leederville - Proposed Demolition of Existing Single House- Reconsideration of Condition**

<b>Ward:</b>	North	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	PRO3443 5.2006.275.1
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by The Planning Group on behalf of the owner J F Murphy for proposed Demolition of Existing Single House, at No. 6 (Lot 1 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; 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.*

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**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**Debate ensued.**

**Moved Cr Maier, Seconded Cr Ker**

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

Debate ensued.

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

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

(Mayor Catania was absent from the meeting until 7.48pm.)

**MOTION AS AMENDED CARRIED (7-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Deputy Mayor – Cr Farrell	Cr Doran-Wu
Cr Chester	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	
Cr Torre	

(Mayor Catania was absent from the meeting until 7.48pm.)

Cr Maier requested the following subsequent motion be considered:

*“That CEO be requested to review the Town’s policy concerning demolitions and report back to Council within three months”.*

The Presiding Member ruled that he would not accept the subsequent motion as it is outside the scope of this Item and recommended that the matter be submitted as a Notice of Motion.

**COUNCIL DECISION ITEM 10.1.3**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by The Planning Group on behalf of the owner J F Murphy for proposed Demolition of Existing Single House, at No. 6 (Lot 1 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; and*
  - (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.*
- 

#### **BACKGROUND:**

11 April 2006 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed Demolition of Existing Single House at No.6 Wavertree Place, Leederville.

#### **DETAILS:**

The proposal involves the reconsideration of condition (iii) of the application approved at the Ordinary Meeting of Council on 11 April 2006 for demolition of existing single house at the subject property, which is as follows:

*"(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."*

As the identical plans are being considered as part of this application, the following is a verbatim copy of the Item (10.1.9) considered by the Council at its Ordinary Meeting held on 11 April 2006:

#### **"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 The Planning Group on behalf of the owner J F Murphy for proposed Demolition of Existing Single House, at No.6 (Lot 1 D/P: 17910) Wavertree Place, Leederville, and as shown on plans stamp-dated 20 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 existing place has cultural heritage significance in terms of its aesthetic, historic and rarity value; and*
- (ii) *the Council AUTHORISE the Chief Executive Officer to place No.6 (Lot 1 D/P: 17910) Wavertree Place, Leederville, onto the Municipal Heritage Inventory, subject to the following:*

- 
- (a) *NOTIFYING the owners in writing of resolution to include No.6 (Lot 1 D/P: 17910) Wavertree Place, Leederville, for entry onto the Municipal Heritage Inventory;*
  - (b) *ADVERTISING for public comment, the nomination of No.6 (Lot 1 D/P: 17910) Wavertree Place, Leederville, to be placed onto the Municipal Heritage Inventory for a period of 28 days in the local newspaper; and*
  - (c) *A FURTHER REPORT being presented to the Council in relation to the above nomination after the advertising period, for consideration by the Council.*
- 

COUNCIL DECISION ITEM 10.1.9

Moved Cr Messina, Seconded Cr Ker

*That the recommendation be adopted.*

*Debate ensued.*

LOST (0-7)

*(Crs Farrell and Torre were apologies.)*

Reasons:

1. *Place is not characteristic of the development in the Town of Vincent.*
2. *Place is not highly regarded within the community.*
3. *The house has a high component of dangerous asbestos materials, particularly the roof.*

ALTERNATIVE RECOMMENDATION

Moved Cr Ker, Seconded Cr Messina

*That the following alternative recommendation be adopted.*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by The Planning Group on behalf of the owner J F Murphy for proposed Demolition of Existing Single House, at No.6 (Lot 1 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; 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.*

CARRIED (7-0)

*(Crs Farrell and Torre were apologies.)*

<i>Landowner:</i>	<i>J F Murphy</i>
<i>Applicant:</i>	<i>The Planning Group (WA) PTY LTD</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>737 square metres</i>
<i>Access to Right of Way</i>	<i>East side, 3.7 metres wide, sealed and Town owned</i>

**BACKGROUND:**

*No specific background directly relates to the proposal.*

**DETAILS:**

*The proposal involves the demolition of the existing single storey house 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>	<i>No reason provided.</i>	<i>Not supported - as the place meets the threshold for inclusion onto the Town's Municipal Heritage Inventory.</i>	
<i>Objection (1)</i>	<i>The mature trees 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 an attachment to this report.*

*The dwelling at No.6 Wavertree Place, Leederville is a brick and asbestos dwelling, which was constructed in 1961. The dwelling is constructed in the post-war Perth Regional style of International architecture, which is representative of the progressiveness of building design that transpired in Australian cities during the post-war period.*

*The dwelling features a low-pitch gable roof, which is constructed from corrugated asbestos. The roof has wide projecting eaves. The façade features floor to ceiling timber framed window arrangements and a feature stone wall, which shields the entrance from the street. Internally there has been no major structural alteration since its construction and the place's original floor plan, architectural detailing, fixtures and fittings have been retained.*

*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 a well designed and well built example of the post-war Perth Regional style of International architecture.*
- The place has 'some historic value' in demonstrating the aspirations of post-war Australians to embrace a modern and progressive way of life, as well as the new modernist style of architecture that reflected this.*
- The place has 'some rarity value' as an uncommon and intact example of the post-war Perth Regional style of International architecture within the Town of Vincent.*

*No.6 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 Town's Environmental Health Officers are concerned that No. 6 Wavertree Place will degenerate and be occupied by squatters, if it is not reoccupied or demolished.*

*Notwithstanding the above, the Town's Heritage Officers consider that the integrity and authenticity of the place, in association with the stated cultural heritage values warrant the retention of the dwelling. The dwelling is considered to be significant to the locality and worthy of inclusion into the Town's Municipal Heritage Inventory. It is therefore recommended that the proposed demolition of the existing dwelling be refused and the refurbishment and conservation of the place be encouraged.*

*Trees of Significance*

*The Town's Parks Services advise that there is a Norfolk Island Pine (Araucaria heterophylla) tree on the property, which is listed in the Town's Interim Significant Tree Inventory List 3.*

*The Norfolk Island Pine species is a common tree within the Town of Vincent and the metropolitan area. There are a number of mature specimens located within some of the Town's Parks and Reserves. The tree located within No.6 Wavertree Place is an immature specimen, which is growing between a line of Poplar trees. The tree is estimated to be around twenty to thirty years of age, and appears to be in a healthy state of growth.*

*Given that the above type of trees are still well represented within the Town, the Town's Parks Services has no objection if the Norfolk Island Pine is to be removed".*

**COMMENTS:**

The applicant has requested that condition (iii), relating to the requirement for a redevelopment proposal to be approved by the Town prior to the issue of a Demolition Licence, be removed. A letter dated 2 June 2006, outlining the request, is contained as an attachment to this Agenda report.

In the letter, the applicants state that they have lodged an application with the Western Australian Planning Commission (WAPC) to subdivide the subject place at No.6 (Lot 1) Wavertree Place and the adjoining place at No.2 (Lot 2) Wavertree Place, Leederville into four lots. The applicant further states that in order to create the new lots, it will be necessary to demolish the two houses and without the removal of the subject condition, they will not be able to fulfil the WAPC's approval.

In the above letter, the applicant makes reference to the Council's conditional approval, for the demolition of the existing house at No.2 Wavertree Place, considered at the Ordinary Meeting of Council on 23 May 2006. The conditional approval for the place's demolition did not contain the above condition as a Structural Engineer's report, which was commissioned by the Town recommended that the place be demolished as soon as practicably possible, as it was in an unstable condition and that the Council remove the condition requiring a redevelopment proposal to be approved prior to the issuing of a Demolition Licence.

As illustrated above and in the past, the removal of the subject condition has only been granted when the structural condition of the place has been recognised as being unsound and a hazard to the community. Subdivision requirements have not been considered as a valid reason for the removal of this standard condition. This condition is a standard condition, as per Clause 41 of the Town Planning Scheme No.1, which is applied to the approval of all demolition within the Town and is intended to stop parcels of land being left vacant.

In light of the above, it is recommended that the request to delete condition (iii), relating to the removal of the requirement for a redevelopment proposal to be approved by the Town prior to the issue of a Demolition Licence, should not be supported and that the condition be retained.

It is to be noted that the applicant has also submitted an application to the State Administrative Tribunal for a review of the requirement of condition (iii) and a Directions Hearing relating to this matter has been scheduled for 16 June 2006.

**10.1.2 Further Report- No. 18A (Lot: 2 STR: 46886) Harold Street, Mount Lawley- Proposed Two (2) Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Banks Precinct; 15	<b>File Ref:</b>	PRO3462; 5.2006.92.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by K J Polla on behalf of the owner R K Singh & K J Polla for proposed Two (2) Storey Single House, at No. 18A (Lot: 2 STR: 46886) Harold Street, Mount Lawley, and as shown on plans stamp-dated 30 May 2006, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Open Space and Plot Ratio requirements of the Residential Design Codes and as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Lake, Seconded Cr Messina**

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

**CARRIED (8-0)**

**(Mayor Catania was absent from the meeting until 7.48pm.)**

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 26 April 2006 resolved that "*the Item be DEFERRED as per the applicant's request, to further investigate the matter*".

The submission sent to the Elected Members on 17 May 2006 (attached) raised concerns with regard to the site coverage, plot ratio, vehicular manoeuvring and amenity to adjoining landowners that were addressed in the original Agenda Report.

The Town's Officers had an on-site meeting with the architect and one of the owners on Friday, 26 May 2006. The matters discussed related to walls on boundaries, privacy, plot ratio, site cover and vehicle manoeuvring.

The applicant noted that the concerns relating to site coverage and car access could be ameliorated and should be reassessed as part of the Further Report. Whilst the issues relating to plot ratio and the amenity of adjoining land owners were addressed and justified in the applicant's submission, they were not reduced. Below is an amended Assessment Table taking into account the changes made on the amended plans:

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	0.65 Or 151.45 square metres	0.95 or 222.81 square metres	Not supported- as the plot ratio variation is not supportable under the Town's Non-Variation Policy. Moreover, the proposal is considered an overdevelopment of the lot and would result in bulk and scale impact on the amenity of the area. The plot ratio can be achieved via a redesign.
Density	R60	R60	Noted.
<u>Setbacks</u> Ground Floor- East (to main dwelling) East (to porch) South  North  Upper Floor- East West North	2.5 metres  1.5 metres 1.8 metres  1 metre  2.5 metres 2.0 metres 1.5 metres	1.8 metres  1.2 metres Nil  Nil  1.5-3.5 metres 1.6-5.2 metres Nil	Noted- the variations are considered to be of a minor nature and will have a minimal impact on adjoining neighbours.  Noted- as the adjoining property also has a parapet wall.  Noted- the variations are considered to have an adverse impact on adjoining streetscape and neighbours.
<u>Open Space</u>	45 per cent	37 per cent	Not supported- as open space variation is not supportable under the Town's Non-Variation Policy and can be achieved via a redesign.

In light of the fact that plot ratio and open space are aspects stated in the Town's Policy relating to Non-Variation to Specific Development Standards and Requirements, and the setback variations have not been advertised to adjoining land owners, the previous Officer Recommendation remains unchanged. The applicant and owner advised that they did not want the matter to be advertised due to delays encountered and wanted the matter to be dealt with by the Council.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 26 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 REFUSES the application submitted by the owners R K D Singh & K J Polla for proposed Two (2) Storey Single House, at No. 18A(Lot: 2 STR: 46886) Harold Street, Mount Lawley and as shown on plans stamp-dated 7 March 2006, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Open Space and Plot Ratio requirements of the Residential Design Codes and as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

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**COUNCIL DECISION ITEM 10.1.11**

*Moved Cr Lake, Seconded Cr Maier*

*That the Item be DEFERRED as per the applicant's request, to further investigate the matter.*

**CARRIED (8-0)**

*(Cr Messina on leave of absence.)*

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<b>Landowner:</b>	<i>R K D Singh &amp; K J Polla</i>
<b>Applicant:</b>	<i>R K D Singh &amp; K J Polla</i>
<b>Zoning:</b>	<i>Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R60</i>
<b>Existing Land Use:</b>	<i>Vacant Land</i>
<b>Use Class:</b>	<i>Single House</i>
<b>Use Classification:</b>	<i>"P"</i>
<b>Lot Area:</b>	<i>220 square metres</i>
<b>Access to Right of Way</b>	<i>Eastern side, 3.62 metres wide, sealed and Council owned</i>

**BACKGROUND:**

*No specific background directly relates to the proposal.*

**DETAILS:**

*The proposal involves the construction of a single two-storey house at the rear of an existing single house.*

*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>0.65 or 151.45 square metres</i>	<i>0.95 or 222.81 square metres</i>	<i>Not supported- plot ratio variation is not supportable under the Town's Non-Variation Policy. Moreover, the proposal is considered overdevelopment of the lot and would result in bulk and scale impact on the amenity of the area.</i>
<i>Density</i>	<i>R60</i>	<i>R60</i>	<i>Noted.</i>
<i><u>Setbacks</u> Ground Floor- East (to main dwelling) East (to porch) West North South  Upper Floor- East West North</i>	<i>2.5 metres  1.5 metres 1.5 metres 1 metre 1.8 metres  2.5 metres 1.9 metres 1.5 metres</i>	<i>1.8 metres  1.2 metres 1.6-5.2 metres Nil Nil-5.9 metres  1.5-3.5 metres 1.6-4.1 metres Nil</i>	<i>Noted- the variations are considered to be of a minor nature and will have a minimal impact on adjoining neighbours.  Noted- the variations are considered to have an adverse impact on adjoining neighbours.</i>
<i><u>Open Space</u></i>	<i>45 per cent</i>	<i>37 per cent</i>	<i>Noted- open space variation is not supportable under the Town's Non-Variation Policy.</i>
<i><u>Carports and Garages</u></i>	<i>Carports and garages located off a Right of Way are to be located in such a manner as to provide a minimum access manoeuvring dimension of 6 metres.</i>	<i>5.2 metres</i>	<i>Not supported- as manoeuvring space is not sufficient to enable safe access.</i>
<i>Consultation Submissions</i>			
<i>Consultation is not required as the application is non compliant with the Residential Design Codes and the Town's Non-Variation Policy, and is being referred to the Council for refusal.</i>			

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

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

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

**COMMENTS:**

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

**10.1.18 No. 355 (Lot 270 D/P:1237) Fitzgerald Street, North Perth -  
Unauthorised Alterations and Two-Storey Additions to Existing Single  
House**

<b>Ward:</b>	South	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Smith's Lake; P06	<b>File Ref:</b>	PRO1605; 00/33/0468; 00/33/2883
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Wellington		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the determination of the State Administrative Tribunal dated 7 April 2006 to dismiss the review submitted in relation to the unauthorised building structure at No. 355 (Lot 270 D/P:1237) Fitzgerald Street, North Perth;*
- (ii) *WRITES to the owners of No. 355 (Lot 270) Fitzgerald Street, North Perth to comply with the requirements of the Notices issued under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and [former] Section 10 (3) of the Town Planning and Development Act 1928 to demolish and remove the unauthorised building structures to the satisfaction of the Town of Vincent within twenty eight (28) days of notification; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings against the owners of No. 355 (Lot 270) Fitzgerald Street, North Perth, should the above unauthorised building works not be completed and the unauthorised building remains after this twenty-eight (28) days period.*

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**COUNCIL DECISION ITEM 10.1.18**

**Moved Cr Lake, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Lake, Seconded Cr Ker**

*That clauses (ii) and (iii) be amended to read as follows;*

- (i) *RECEIVES the determination of the State Administrative Tribunal dated 7 April 2006 to dismiss the review submitted in relation to the unauthorised building structure at No. 355 (Lot 270 D/P:1237) Fitzgerald Street, North Perth;*

- (ii) *WRITES to the owners of No. 355 (Lot 270) Fitzgerald Street, North Perth to comply with the requirements of the Notices issued under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and [former] Section 10 (3) of the Town Planning and Development Act 1928 to demolish and remove the unauthorised building structures to the satisfaction of the Town of Vincent within twenty eight (28) days of notification; OR the owners submit a new Development Approval and Building Licence application to the Town, including accurate and detailed plans of the existing building and proposed works within the time period stipulated in the applicants letter dated 13 June 2006, in the interest of proper and orderly planning and good faith; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings against the owners of No. 355 (Lot 270) Fitzgerald Street, North Perth, should a new Development Approval and Building Licence application not be submitted to the Town within the time period stipulated in the applicants letter dated 13 June 2006 and the building works are not completed within the time stipulated. ~~the above unauthorised building works not be completed and the unauthorised building remains after this twenty-eight (28) days period.~~*

Debate ensued.

The Presiding Member advised that after discussion on the proposed amendment and the need for more clarity in the wording that the applicant's request for deferral would be considered.

Moved Cr Torre, Seconded Cr Messina

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

CARRIED (5-3)

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

(Mayor Catania was absent from the meeting until 7.48pm.)

**ADDITIONAL INFORMATION:**

The Town received a letter from Brent Shulman Architects on behalf of the owner on 13 June 2006 (copy attached) requesting that the owner be given an opportunity to submit "a concept proposal for assessment by Planning Department no later than the 35 workings days from the date of the meeting).

The Town, in conjunction with the State Administrative Tribunal has been attempting to resolve the matter to the satisfaction to all parties. It is hoped that with the new Architects acting on behalf of the owner, and advice from the owner of his intent to obtain the necessary approvals from the Town, this matter can be resolved without pursuing legal action.

**BACKGROUND:**

- 13 February 2001      The Council at its Ordinary Meeting approved an application alterations and two storey alterations and additions to existing dwelling subject to the following conditions:
- (i)      *compliance with all relevant Environmental Health, Building and Engineering requirements;*
  - (ii)      *any filling placed on the site shall not exceed a height of 300 millimetres above the established natural ground level of any adjoining lot. A height in excess of 300 millimetres to a maximum of 600 millimetres above the established natural ground level of any adjoining lot may be permitted, subject to the written consent of the owners of all adjoining properties to the proposed depth of filling;*
  - (iii)      *all front fences and gates shall comply with the Town's Policy relating to Front Fences and Screen Walls, and full details shall be submitted to and approved prior to the erection of such fences and gates;*
  - (iv)      *subject to first obtaining the consent of the owners of No.359 (Lot 2) Fitzgerald Street North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.359 (Lot 2) Fitzgerald Street North Perth , in a good and clean condition; and*
  - (v)      *prior to the issue of a Building Licence either, signed certification from a practising structural engineer stating that the proposed development will not have an adverse effect on the existing southern side retaining wall, OR signed plans from a practising structural engineer that details the necessary works to be taken out to ensure the structural adequacy of the southern side retaining wall, shall be submitted to and approved by the Town. All necessary works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*
- 26 February 2001      Approval to Commence Development 00/33/0468 for proposed alterations and two storey additions to existing dwelling was issued.
- 26 February 2001      Change of Use from Residential to Residential and Office was approved under delegated authority.
- 7 March 2001          Town sent a letter sent to the owners requesting the following information in order for the Building Licence to be issued:
- 1.      *Two (2) copies of suitable specifications of the proposed building work.*

2. *The plans to be endorsed by a qualified practising Structural Engineer, stating the adequacy of all the proposed structural elements of the construction work, including confirmation that the existing structure is structurally adequate to support the proposed second storey additions.*

The applicant was also advised *"If you wish to proceed with the proposal, please ensure that you submit the abovementioned information within thirty five (35) days of the date of this letter, ie, by no later than 12 April 2001. If the required information has not been received by this date, it will be assumed that you wish to withdraw your application. In that event the relevant file will be closed, and your application returned."*

- 13 January 2005      The Town received a letter of enquiry from a member of the public with regard to the works at the subject property.
- 7 February 2005      Investigations revealed that a Building Licence had not been issued for the works and Notices under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and Section 10 (3) of the former Town Planning and Development Act 1928 were issued requiring the removal of the subject unauthorised building works.
- 25 February 2005      The applicant submitted an application for review against the requirements of the Notices issued by the Town to the State Administrative Tribunal (SAT), references CC2056 of 2005 and DR361 of 2005.
- 25 May 2005      The applicant submitted an Application for retrospective approval for alterations and two-storey additions to existing single house, reference 00/33/2883.
- 5 August 2005      The Town requested the applicant to provide additional information and accurate plans in order to proceed with the application. The information was required within 14 days (that is, by 19 August 2005) or the application would be deemed refused.
- 20 October 2005      The applicant requested, in writing that application reference 00/33/2883 be withdrawn.
- 7 April 2006      The State Administrative Tribunal Order *'Dismissed'* the application for review CC2056 of 2005, of the Notice issued by the Town under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960. The stay of the S10(3) directions and the stay of S401 notices, issued under S25 (2) of the SAT Act 2004 (LA) be lifted.
- 26 April 2006      SAT Order and Reasons included in the Information Bulletin to Council.

**DETAILS:**

As a Building Licence was never issued, the building works have been constructed illegally without relevant approvals of the Town. In addition, the works constructed are not in accordance with the previous Approval to Commence Development dated 26 February 2001 reference 00/33/0468. Furthermore, the view (appeal) lodged by the owners (applicant) was also dismissed by the SAT.

In light of the above, it is recommended that the owners be given a further twenty eight (28) days to satisfy the requirements of the Notices issued under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and Section 10 (3) of the former Town Planning and Development Act 1928. Should the requirements not be fulfilled within the given timeframe, it is recommended that the Chief Executive Officer be authorised to proceed with legal proceedings.

**10.2.3 Further Report – Outcome of Community Consultation on the Extension of the Residents Only Restriction in Carr Place**

<b>Ward:</b>	South	<b>Date:</b>	5 June 2006
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	ENS0017
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	A. Munyard		
<b>Checked/Endorsed by:</b>	R. Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the outcome of Community Consultation on the extension of the Residents Only restriction in Carr Place;*
- (ii) *NOTES that the majority of respondents to the Community survey were NOT in favour of extension of the ‘residents only’ parking restriction on the south side of Carr Place; and*
- (iii) *DOES NOT PROCEED with extension of the ‘residents only’ parking on the south side of Carr Place adjacent to the commercial component of the street.*

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**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Ker, Seconded Cr Messina**

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

- “(ii) *NOTES that ~~the~~ a small majority of respondents to the Community survey were NOT in favour (but that the response rate was low) of extension of the ‘residents only’ parking restriction on the south side of Carr Place; and”*

Debate ensued.

**AMENDMENT CARRIED (7-1)**

**For**

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

**Against**

Deputy Mayor – Cr Farrell

(Mayor Catania was absent from the meeting until 7.48pm.)

**Moved Cr Ker, Seconded Cr Lake**

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

*“(iii) ~~DOES NOT PROCEEDS~~ with extension of the ‘residents only’ parking on the south side of Carr Place adjacent to the commercial component of the street.”*

Mayor Catania entered the meeting at 7.48pm and assumed the Chair.

The Presiding Member ruled that the amendment could not be accepted as it negates the recommendation.

Cr Ker withdrew the amendment

**AMENDMENT WITHDRAWN**

**Moved Cr Ker, Seconded Cr Torre**

*That clause (iii) be deleted.*

Debate ensued.

**AMENDMENT CARRIED (5-4)**

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

**Moved Cr Ker, Seconded Cr Maier**

*That a new clause (iii) be added as follows:*

*“(iii) ~~PROCEEDS~~ with extension of the ‘residents only’ parking on the south side of Carr Place adjacent to the commercial component of the street.”*

**AMENDMENT CARRIED (5-4)**

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

Debate ensued.

**MOTION AS AMENDED CARRIED (6-3)**

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

### **COUNCIL DECISION ITEM 10.2.3**

*That the Council;*

- (i) *RECEIVES the report on the outcome of Community Consultation on the extension of the Residents Only restriction in Carr Place;*
  - (ii) *NOTES that a small majority of respondents to the Community survey were NOT in favour (but that the response rate was low) of extension of the 'residents only' parking restriction on the south side of Carr Place; and*
  - (iii) *PROCEEDS with extension of the 'residents only' parking on the south side of Carr Place adjacent to the commercial component of the street.*
- 

### **PURPOSE OF THE REPORT:**

To inform the Council of the outcome of the Community Consultation on the proposal to extend the existing "Residents Only" parking restriction in Carr Place on the commercial component of the South side of the street.

### **BACKGROUND:**

At its Ordinary Meeting held on 26 April 2006, the Council approved the recommendation that the "Resident's Only" parking restriction that was being trialled in Carr Place adjacent to the residential component of the street remain in place.

During public question time a request that the "Resident's Only" restriction be considered for the commercial component of the South side of the street was received. The Council subsequently amended the officer recommendation and decided to again consult with Carr Place residents/businesses regarding the possible extension of the resident only parking on the south side outside the commercial component of the street.

### **DETAILS:**

#### **Community Consultation**

One hundred and twenty four (124) consultation letters together with comment sheets and reply paid envelopes were distributed to businesses and residents of Carr Place, drawing twenty one (23) responses. This equates to a fairly low 19% response. Thirteen (13) of the respondents were happy with the restrictions as they stand, and did not wish to see it extended to the commercial component of the street. Ten (10) of the respondents agreed with the proposal to apply the restriction to the commercial component of the South side.

*Against* the extension of the restriction

Detailed below are significant comments made by those *against* the extension of the "Resident's Only" restriction:

- Residents - enough is enough, they are going too far now.
- I am opposed to any residents only hold over street or verge parking on the southern side of Carr Place at any time of the day or night.
- I work back into the evenings during the week and the parking situation is a lot better and the residents should be pleased.
- Some residents are abusing their parking privileges and Council should investigate to be sure that is not the case.
- Carr Place is commercial and residential and the Council should respect both sides and give to both parties needs equally.
- As a commercial ratepayer of the Town of Vincent, these restrictions could have an adverse effect on the future rental values of my unit and it is these considerations that should be foremost, not the requirements of the present tenants.
- This is a combined street of business and residential as I'm sure the residents were well aware of when they purchased their properties and giving residents parking rights in front of commercial premises appears to be discriminating to commercial ratepayers.
- Strongly opposed to extending Resident's Only to commercial side.

*In Favour* of extension of the restriction

The main points raised by those who did said that they were *in favour* of the Residents Only restriction extended to the commercial component of the South side of the street are listed below:

- The Council needs to build a dedicated parking facility and/or make parking free at night by Dewson's, etc.
- This is a residential street and people in this street should be shown due respect.
- We have noticed a definite improvement since the restrictions have been put in place.
- Extending the restrictions to the South side would in my opinion make Carr Place even more secure and produce less noise and anti-social behaviour.
- There is only one business operating between 9pm and 7am, however visitors continue to park outside these premises day or night - this reduces available bays for residents and causes disruption late at night.
- There is not enough parking on the street for people who live here and any family/friends who may visit.

*Conclusions/Recommendations*

The Officer's recommendation is that the "Resident's Only" restriction *not* be extended to the commercial component of the South side of the street.

The responses received from the initial consultation following the three month trial indicated a high level of satisfaction from residents for the "Resident's Only" restriction as it stands.

The Town's Officers consider that the existing restriction is a fair and reasonable solution that respects the needs of both residents and business proprietors alike. The argument that there is insufficient parking for residents needs is inconsistent with the surveys that have been carried out by the Town and it should be remembered that from the outset the "Residents Only" restriction was not implemented to deal with a parking problem but as a measure to address 'antisocial behaviour'.

**CONSULTATION/ADVERTISING:**

In accordance with Council's Community Consultation Policy 4.1.5, all affected residents and businesses in the immediate vicinity of Carr Place were consulted for a period of twenty one (21) days requesting their comments on the proposal. All respondents will be advised of the Council's decision.

**LEGAL/POLICY:**

The Town's Rangers will continue to enforce the restrictions as approved by the Council.

**STRATEGIC IMPLICATIONS:**

The proposal is in keeping with KRA 2.2(g) of the Town's Strategic Plan, 2005 - 2010 –

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

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENTS:**

The Town has received considerable feed-back from residents and businesses who have observed big improvements in resident's quiet amenity in Carr Place. Located where it is, adjacent to the Leederville Town Centre, and in itself a mixed use street, there will no doubt be occasions when the level of pedestrian and vehicular activity will be more that one may expect in a purely residential area, however the "Residents Only" restriction as it currently stands adjacent to the residential component of the street (north and a portion of the south side) has improved residents amenity. In addition, the recent infrastructure improvements along the street have further added to these improvements.

While the results of the recent community consultation is split on the matter of extending the restrictions (with a slight majority against the proposal) it is considered that the existing restrictions are a fair and reasonable solution which respects the needs of both residents and business proprietors in Carr Place and therefore no change is recommended at this stage.

**10.1.12 No. 32 (Lot: 12 D/P: 3660) Mabel Street, Corner Norham Street, North Perth- Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses**

<b>Ward:</b>	North	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO3366 5.2006.114.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	R Rasiah; R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J-Corp/ Perceptions on behalf of the owner J Hill, V Gough & B Randall for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses at No. 32 (Lot 12 D/P 3660) Mabel Street, corner Norham Street, North Perth, and as shown on plans stamp-dated 14 March 2006 and 22 May 2006, subject to the following conditions:*

- (i) *any new street/front wall, fence and gate between the Mabel 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;*
  - (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*
  - (f) *the solid portion adjacent to Norham Street 4 metres from the primary street, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (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) *first obtaining the consent of the owners of Nos. 28 (Lot 13) Mabel Street and No. 42 (Lot 11) Norham Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing north and east where applicable in a good and clean condition;*
- (iv) *the street verge tree on Mabel Street, commonly known as a Coral tree (Erythrina sykesii), adjacent to the subject land shall be retained and measures shall be taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the upper floor of House No. 2 (main façade) being setback 6 metres from the primary street, and the balcony being setback 5 metres from the street. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes; and*
- (vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Mabel Street and Norham 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).*

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**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**Cr Torre departed the Chamber at 8.03pm.**

**Moved Cr Farrell, Seconded Cr Messina**

*That clause (v) be deleted and the remaining clause renumbered accordingly.*

**Debate ensued.**

**Cr Torre returned to the Chamber at 8.10pm.**

**AMENDMENT CARRIED (6-3)**

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

**MOTION AS AMENDED CARRIED (8-1)**

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

**COUNCIL DECISION ITEM 10.1.12**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J-Corp/ Perceptions on behalf of the owner J Hill, V Gough & B Randall for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses at No. 32 (Lot 12 D/P 3660) Mabel Street, corner Norham Street, North Perth, and as shown on plans stamp-dated 14 March 2006 and 22 May 2006, subject to the following conditions:*

- (i) any new street/front wall, fence and gate between the Mabel 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;*
  - (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*
  - (f) the solid portion adjacent to Norham Street 4 metres from the primary street, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (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) *first obtaining the consent of the owners of Nos. 28 (Lot 13) Mabel Street and No. 42 (Lot 11) Norham Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing north and east where applicable in a good and clean condition;*
- (iv) *the street verge tree on Mabel Street, commonly known as a Coral tree (Erythrina sykesii), adjacent to the subject land shall be retained and measures shall be taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works; and*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Mabel Street and Norham 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).*

<b>Landowner:</b>	J Hill, V Gough & B Randall
<b>Applicant:</b>	J-Corp/ Perceptions
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	813 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 4 October 2005            The Department for Planning and Infrastructure conditionally approved an application for the subdivision of the land into two green title lots (WAPC Ref: 128706).
- 31 May 2006             The Town cleared the conditions for the above-mentioned subdivision application and endorsed the diagram of survey.
- 17 January 2006        Council at its Ordinary Meeting resolved to conditionally approve the proposed demolition of the existing single house, subject to a redevelopment proposal being submitted to the Council prior to the demolition of the dwelling.

**DETAILS:**

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
Density	N/A	N/A	A two lot subdivision application has been conditionally approved by the Western Australian Planning Commission (WAPC ref: 128706)
<u>Setback of Retaining Walls</u>  <u>House No. 1-</u> Western side  <u>House No. 2-</u> (Mabel Street frontage only):  Southern side	1 metre    1 metre	Nil    Nil	Supported- given the slope of the land, the proposed nil setback of the retaining walls are not considered to create a significant adverse impact on the amenity of the adjoining neighbours or the streetscape.
<u>Fill:</u>  <u>House No. 1</u>  <u>House No. 2</u>	0.5 metre  0.5 metre	Up to 1.5 metres  Up to 1.53 metres	Supported-given the constraints of the site, (the site slopes by up to 2.85 metres from the middle, rear of the site towards the front, western side of the property) and that the adjoining neighbours finished floor levels are higher than the proposed finished floor levels, the proposed fill is considered acceptable in this instance.
<u>Building Height</u>  <u>House No. 1</u>  <u>House No. 2</u>	6 metres to eaves  6 metres to eaves	6.5 metres at highest point  6.315 metres at highest point	Supported- given that only a small portion of the dwellings exceed the 6 metre height requirement to the eaves due to the natural ground levels, and that the overall height is under 9 metres, the variation is considered supportable.

<u>Setbacks</u>			
<u>House No. 1:</u>			
Ground floor-rear- north	1.5 metres	1.19 metres to alfresco	Supported- given the minor variation and that the neighbours did not object, the variation is considered acceptable.
Upper floor-front	6 metres	4.966 metres to 5.762 metres	Supported- given that the property has two street frontages, and that only a small portion of the guest bedroom projects forward to 4.966 metres and the open balcony is setback 5.762 metres, the reduced street setback to the upper floor is not considered to adversely impact on the amenity of the street.
<u>House No. 2:</u>			
Ground floor-front	4 metres (as per R-Codes as the prevailing street setback varies down to 4 metres and the existing dwelling is setback 2 metres from the street)	3.511 metres	Supported- given that there are variety of different front setbacks within the existing street (there is no prevailing front setback within the streetscape) and that the original dwelling is setback 2 metres from the street, and the garage is set behind the main building line, the proposed front setback is considered supportable.
Upper floor-front	6 metres	4.911 metres to main façade 3.511 metres to balcony	Not supported- With regard to the subdivision of original corner lots, the Council have been supporting reduced setbacks to the upper floor for the second dwelling which fronts the secondary street. However, this practise does not apply in this instance as the first dwelling fronts Mabel Street also, and not Norham Street. Given

			this, and that there is sufficient room to set the upper floor further back from the street, the reduced setback is not supported. However, it is considered acceptable to permit the balcony to protrude forward to 5 metres. Accordingly, a condition has been recommended to this effect.
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

### Summary

Matters relating to the demolition have been previously considered and approved by the Council at its Ordinary Meeting held on 17 January 2006.

In light of the above, the proposal is generally considered supportable, as it is not considered to create a significant adverse impact on the amenity of the adjacent properties or the streetscape of the area.

**10.1.17 No. 17 (Lot: 6 D/P: 1296) Bourke Street, North Perth - Proposed Front Wall Addition to Existing Single House (Retrospective Approval)**

<b>Ward:</b>	South Ward	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Smith's Lake; P06	<b>File Ref:</b>	PRO2968; 5.2006.167.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by C Babich on behalf of the owner P Burke & C Babich for proposed Front Wall Addition to Existing Single House (Retrospective Approval), at No. 17 (Lot: 6 D/P: 1296) Bourke Street, North Perth, and as shown on plans stamp-dated 11 April 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 Town's Policy relating to Street Walls and Front Fences Policy; and*
- (ii) *the Council ADVISES the applicant and owners that the above unauthorised fencing is to be removed, and the fence is to comply with the Town's Policy relating to Street Walls and Front Fences. All works shall be completed within twenty eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings should the above works not be completed within this twenty eight (28) days period.*

**COUNCIL DECISION ITEM 10.1.17**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**LOST (0-9)**

**Reason:**

**The fence as constructed does provide visual permeability and is not intrusive into the streetscape.**

**ALTERNATIVE RECOMMENDATION:**

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

*That the following alternative recommendation be adopted.*

*“That in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Babich on behalf of the owner P Burke & C Babich for proposed Front Wall Addition to Existing Single House (Retrospective Approval), at No. 17 (Lot: 6 D/P: 1296) Bourke Street, North Perth, and as shown on plans stamp-dated 11 April 2006, subject to the following condition:*

- (i) *the white picket sections of the fence adjacent to the Bourke Street common boundary being visually permeable with a minimum of 50 per cent transparency.”*

Debate ensued.

**CARRIED (5-4)**

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

<b>Landowner:</b>	P Burke & C Babich
<b>Applicant:</b>	C Babich
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	529 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

23 February 2006

The Town sent the owners of the subject property a letter informing them of the non-compliant fence as a result of the matter being brought to the attention of the Town's Officers.

**DETAILS:**

The current application involves street/front fence addition to an existing single house (application for retrospective approval). The applicant has submitted additional information (attached) in support for the unauthorised fencing.

**ASSESSMENT:**

**Note: The following Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
Street Walls and Fences: Bourke Street	Upper portion of the wall or fence being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence.	Upper portion of the fence is only 30 per cent visually permeable.	Not Supported - as the fencing is in non-compliance with Policy 3.2.5, Street Walls and Fences, and the Town's Policy relating to Non-Variation of Specific Development Requirements.
Width of piers	To be no more than 350 millimetres	900 millimetres	Not Supported - as above.
<u>Truncations</u>	<u>Walls and fences truncated or reduced to no higher than 0.65 metres for the length of the wall at least 1.5 metres where adjoining vehicle access points.</u>	<u>Truncation where fence adjoins driveway is only 1 metre x 0.75 metre</u>	<u>Not Supported- as above</u>
<b>Consultation Submissions</b>			
No consultation was required for this application as the matter is being referred to the Council for determination.			
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

**COMMENTS:**

In light of the above, the application is not supported.

#### 10.4.6 Information Bulletin

Ward:	-	Date:	7 June 2006
Precinct:	-	File Ref:	-
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 13 June 2006 as distributed with the Agenda, be received.*

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

Cr Messina departed the Chamber at 8.31pm.  
Cr Farrell departed the Chamber at 8.32pm.

Cr Farrell returned to the Chamber at 8.35pm.  
Cr Messina returned to the Chamber at 8.36pm.

**Moved Cr Ker, Seconded Cr Farrell**

*That the current recommendation be numbered clause (i) and a new clause (ii) be added as follows:*

*“(ii) the matter relating to IB08 - Letter from Main Roads WA - Reduction in Speed Limit - Vincent Street Leederville be referred to the Local Area Traffic Management (LATM) Advisory Group.”*

**CARRIED (9-0)**

Cr Torre departed the Chamber at 8.37pm.  
Cr Doran-Wu departed the Chamber at 8.39pm.

Debate ensued.

**MOTION AS AMENDED CARRIED (7-0)**

(Crs Doran-Wu and Torre were absent from the Chamber and did not vote.)

#### **COUNCIL DECISION ITEM 10.4.6**

*That;*

- (i) the Information Bulletin dated 13 June 2006 as distributed with the Agenda, be received; and*
- (ii) the matter relating to IB08 - Letter from Main Roads WA - Reduction in Speed Limit - Vincent Street Leederville be referred to the Local Area Traffic Management (LATM) Advisory Group.*

**DETAILS:**

The items included in the Information Bulletin dated 13 June 2006 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Proposed Guidelines for Dual Naming – Infopage from the Western Australian Local Government Association.
IB02	Letter from Peter Simpson of The Planning Group – 6 Wavertree Place, Leederville – Review of Planning Condition.
IB03	Letter to Ms Ali Carlton – No. 386 (Lot) 4 Fitzgerald Street, North Perth – Telstra Telecommunications Low Impact Facility Notification.
IB04	General Review of Building Legislation: Review of the Builders’ Registration Act 1939.
IB05	No. 30 (Lot 8) Bulwer Street, Perth – SAT Matter No RD 576 of 2005.
IB06	Register of Heritage Places – Letter from Ian Baxtor, Director Heritage Council of Western Australia.
IB07	Email from N Elkington – Round-a-bout – Cnr Anzac Road and Oxford Street
IB08	Letter from Main Roads WA – Vincent Street, Leederville – Reduction in Speed Limit
IB09	Letter from The Hon Jim Lloyd MP – Minister for Local Government, Territories and Roads – Inter-Governmental Agreement Establishing Principles to Guide Inter-Governmental Relations on Local Government Matters
IB10	Register of Petitions - Progress Report - June 2006
IB11	Register of Notices of Motion - Progress Report - June 2006
IB12	Register of Reports to be Actioned - Progress Report - June 2006
IB13	Register of Legal Action
IB14	Register of State Administrative Tribunal Appeals
IB15	Forum Notes - 16 May 2006
IB16	Notice of Forum - 20 June 2006
IB17	Letter from Local Government Advisory Board – Boundary Proposals – Community Consultation

**10.1.8 No. 8 (Lot: 191 D/P: 49587) Macedonia Place, North Perth - Proposed Pavilion Addition to Existing Place of Public Worship**

<b>Ward:</b>	North	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Smith's Lake; P06	<b>File Ref:</b>	PRO1587; 5.2006.145.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Macedonian Community Of WA Inc for proposed Pavilion Addition to Existing Place of Public Worship, at No. 8 (Lot: 191 D/P: 49587) Macedonia Place, North Perth, and as shown on plans stamp-dated 29 April 2006, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Macedonia Place boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) the finished floor level of the pavilion shall not be greater than 0.5 metre above the natural ground level; and*

- (iv) *first obtaining the consent of the owners of No. 35 Deague Court, North Perth and Nos. 6/49, 7/49 and 8/49 Albert Street, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 35 Deague Court, North Perth and Nos. 6/49, 7/49 and 8/49 Albert Street, North Perth in a good and clean condition.*

Crs Doran-Wu and Torre returned to the Chamber at 8.40pm.

**COUNCIL DECISION ITEM 10.1.8**

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

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Messina, Seconded Cr Ker**

*That the Item be DEFERRED to allow the Macedonian Community of WA Inc to consult its members on the application.*

**CARRIED (5-4)**

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

<b>Landowner:</b>	Macedonian Community Of WA Inc
<b>Applicant:</b>	Macedonian Community Of WA Inc
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Church
<b>Use Class:</b>	Place of Public Worship
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	2023 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves an application for a pavilion addition to an existing place of public worship. The proposed pavilion will primarily be used as a shelter for the congregation for purposes such as Funerals, Saint Days, Easter and Anniversaries.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<u>Buildings on Boundary Maximum Height - North elevation</u>	3.5 metres	3.7 metres	Supported- As the minor variation will enable the proposed structure to be compatible in scale and height with the existing building. The proposed variation is not considered to have an undue impact on the amenity of the area.
<u>Average Height - North elevation</u>	3.0 metres	3.6 metres	Supported- As above
<u>East elevation</u>	3.0 metres	3.5 metres	Supported- As above
<b>Consultation Submissions</b>			
Support (1)	<ul style="list-style-type: none"> <li>No reason/comments provided</li> </ul>		Noted
Objection (1)	<ul style="list-style-type: none"> <li>Lack of consultation with Macedonian Community on proposal</li> </ul>		Not Supported- As this is not considered a planning issue. The application form has been signed by the President of the Macedonian Community.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

**COMMENTS:**

In light of the above, the proposal is recommended for approval.

**10.1.15 No. 2 (Lot 4 D/P: 2447) St Albans Avenue, corner Beaufort Street, Highgate - Proposed Change of Use from Open Air Display Area and Shop to Open Air Display, Shop and Eating House and Associated Internal Alterations**

<b>Ward:</b>	South	<b>Date:</b>	6 June 2006
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO2536; 5.2005.3202.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Metcalf on behalf of the owner Flynn-Guardall Security Pty Ltd for proposed Change of Use from Open Air Display and Shop to Open Air Display, Shop and Eating House and Associated Internal Alterations, at No. 2 (Lot 4 D/P: 2447) St Albans Avenue, corner Beaufort Street, Highgate, and as shown on plans stamp-dated 19 April 2006, subject to the following conditions:*

- (i) the gross floor area of the open air display, shop and eating house components shall be limited to 53 square metres, 37 square metres and 29 square metres respectively. 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;*
- (ii) prior to the first occupation of the development, two (2) 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;*
- (iii) 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;*
- (iv) doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street; and*
- (v) 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.*

**COUNCIL DECISION ITEM 10.1.15**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted subject to it being amended to read as follows:*

**“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 T Metcalf on behalf of the owner Flynn-Guardall Security Pty Ltd for Change of Use from Open Air Display and Shop to Open Air Display, Shop and Eating House, at No. 2 (Lot 4 D/P: 2447) St Albans Avenue, corner Beaufort Street, Highgate, and as shown on plans stamp-dated 19 April 2006, subject to the following conditions:*
- (a)** *within twenty-eight (28) days of notification, the following works shall be completed:*
- (1)** *the provision of a minimum of three on-site car bays with access from the right of way, which comply with the Town's Policy Relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking". The car bays shall be available for the visitors of the tenancy during all opening times of the use. The provision of these car bays will require the demolition and/or alterations to the existing north-western high brick wall and roller door abutting the right of way;*
- (2)** *the provision of 1 metre by 1 metre visual truncations where the car parking bays intersect the right of way;*
- (ib)** *the gross floor area of the open air display, shop and eating house components shall be limited to 53 square metres, 37 square metres and 29 square metres respectively. 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;*
- (iic)** *prior to the first occupation of the development, two (2) 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;*
- (iiid)** *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;*
- (ive)** *doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street; ~~and~~*

(\*f) *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; and*

(g) the 'seating' area for the eating house is to be clearly delineated on site.

(ii) the Council ADVISES the applicant and owners that the above works that form part of clause (i)(a) above shall be completed within twenty-eight (28) 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 twenty-eight (28) day period."

Debate ensued.

Moved Cr Torre, Seconded Cr Farrell

*That the Item be DEFERRED for further information and negotiation between the Town and the applicant.*

CARRIED (6-3)

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

#### **ADDITIONAL INFORMATION:**

The Town received a phone call on 12 June 2006 alleging that the Metropolitan Region Scheme (MRS) Form 1 was not signed by the owner of the subject property. The Town requested that this allegation be proven by having the owner submit in writing details that they did not sign the MRS Form 1.

The applicant submitted additional information regarding the delineation of the eating house floor space, rear car parking area and the delivery of stock. This additional information was circulated to the elected members and is "*Laid on the Table*" for Councils consideration.

#### **Car Parking**

Condition (iii) of the conditional approval granted by Council at its Ordinary Meeting held on 17 January 2006 states as follows:

*"(iii) the Council ADVISES the applicant and owners that the above works that form part of clause (i)(a) above shall be completed within twenty-eight (28) 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 twenty-eight (28) day period."*

Furthermore, proposed clause (i)(a) of states as follows:

*"(i)(a) within twenty-eight (28) days of notification, the following works shall be completed:*

- (1) the provision of a minimum of three on-site car bays with access from the right of way, which comply with the Town's Policy Relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking". The car bays shall be available for the visitors of the tenancy during all opening times of the use. The provision of these car bays will require the demolition and/or alterations to the existing north-western high brick wall and roller door abutting the right of way.*
- (2) the provision of 1 metre by 1 metre visual truncations where the car parking bays intersect the right of way."*

A site inspection by the Town's Officers on 25 May 2006 indicated that the three car bays had not been constructed as required by the previous approval. This is addressed in the Amended Officer Recommendation and will be closely monitored by the Town's Development Liaison Officer.

In summary, the Town's Officers consider the proposed eating house component to be of a minor nature which will contribute to the commercial diversity and vitality of the Beaufort Precinct.

<b>Landowner:</b>	Flynn-Guardall Security Pty Ltd
<b>Applicant:</b>	T Metcalf
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Shop
<b>Use Class:</b>	Open Air Display, Shop and Eating House
<b>Use Classification:</b>	"AA", "P", and "P"
<b>Lot Area:</b>	503 square metres
<b>Access to Right of Way</b>	North-western side, 5.2 metres wide, unsealed, Town owned.

#### **BACKGROUND:**

24 May 2005                      The Council at its Ordinary Meeting constructively refused an application for change of use from shop to shop and eating house at the subject property for the following reasons:

- 1. Impact of parking shortfall on the local area.*
- 2. Consideration of objections received.*
- 3. Uncertainty that three (3) carparking bays can be accommodated on the site."*

17 January 2006                      The Council at its Ordinary Meeting granted conditional approval for change of use from shop to open air display and shop and associated signage (application for retrospective approval).

#### **DETAILS:**

The proposal involves change of use from open air display and shop to open air display, shop and eating house and associated internal alterations at the subject property.

The applicant in their submission has addressed each of the issues raised by the Council in relation to the original proposal. Furthermore, the applicant has requested that the trading hours be from 8am until 9pm Monday to Sunday. This request has been addressed in the Assessment Table.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
<b>Consultation Submissions</b>			
It was considered that the application did not require to be re-advertised in this instance as the proposal is compliant with the Town of Vincent Policies 'Mount Lawley Centre Precinct' and 'Parking and Access', was advertised from 5 May 2005 - 19 May 2005. Furthermore, all previous submissions have been addressed in the report and all previous objectors have been notified in writing that the application is being referred to the Council.			
Support	Nil		Noted
Objection (3)	<ul style="list-style-type: none"> <li>Shortage of parking</li> </ul>		Not supported- refer to 'Comments'.
	<ul style="list-style-type: none"> <li>No safeguard to ensure development will not intensify in the future</li> </ul>		Not supported- as any intensification or change of use of a site will require further assessment and Planning Approval.
	<ul style="list-style-type: none"> <li>Undue impact on surrounding residential area</li> </ul>		Not supported- as the uses proposed are considered to be appropriate for the commercially zoned lot and not considered to have an undue impact on surrounding residential area.
	<ul style="list-style-type: none"> <li>Illegal parking</li> </ul>		Not supported- as not a valid planning consideration. This issue can be monitored by Town's Ranger Services and Community Safety.
	<ul style="list-style-type: none"> <li>Additional rubbish</li> </ul>		Not supported- as not a valid planning consideration. This issue can be monitored by Town's Technical Services and Health Services.

	<ul style="list-style-type: none"> <li>Trading hours</li> </ul>	Not supported - as the Town generally does not impose conditions relating to trading hours on commercially zoned land unless there is valid reason to do so.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
<b>Car Parking</b>		
Car parking requirement (nearest whole number)		12 car bays
<ul style="list-style-type: none"> <li>Eating house - 1 car bay per 4.5 square metres of public area (29 square metres) - 6.44 car bays</li> <li>Shop - 1 car bay per 15 square metres of gross floor area (37 square metres) - 2.46 car bays</li> <li>Open air display - 3 spaces for the first 200 square metres of display and sales area and thereafter 1 space per 100 square metres of display and sales area or part thereof (53 square metres) - 3 car bays</li> </ul>		
Total = 11.9 car bays		
Apply the adjustment factors.		(0.7225)
<ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.85 (within 400 metres of car park in excess of 75 car parking spaces)</li> </ul>		8.67 car bays
Minus the car parking provided on-site		3 car bays
Minus the most recently approved on-site car parking shortfall		6.07 car bays
Resultant surplus		0.4 car bay
<b>Bicycle Parking</b>		
Retail/Shop: (37 square metres of gross floor area)		
-1 space per 300 square metres of gross floor area for employee/resident.		0.12 space (Class 1 or 2)
-1 space per 200 square metres for visitor/shopper.		0.19 spaces (Class 3)
Restaurant/Eating House: (29 square metres)		
-1 space per 100 square metres of public area		0.29 spaces (Class 1 or 2)
-2 spaces plus 1 space per 100 square metres of public area		2.29 spaces (Class 3)
		Total:
		Class 1 or 2 = 0.41 (0 spaces)
		Class 3 = 2.48 (2 spaces)

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

**COMMENTS:**

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

Furthermore, the applicant has addressed the Council's previous reasons for refusal as follows:

**1. Impact of parking shortfall on the local area.**

The applicants met with the Town's Officers on 17 February 2006 and were advised to clearly define where each use will be located. As a result, the applicants submitted amended plans clearly demonstrating the exact location and floor area for each use. The application is compliant with the Town's Policy relating to 'Parking and Access' and the floor areas have been conditioned accordingly in the Officers Recommendation.

**2. Consideration of objections received.**

These concerns have been addressed in the 'Assessment Table'.

**3. Uncertainty that three (3) carparking bays can be accommodated on the site.**

The Town's Technical Services have advised that the car parking arrangement (consisting of 3 bays) on the current plans stamp dated 19 April 2006 is acceptable.

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

**10.1.19 No. 88 (Lots Y31 and Y32 D/P: 956) Richmond Street, Leederville - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Lodging House/Private Hostel**

<b>Ward:</b>	South	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PRO2219; 5.2006.97.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *DEFERS its recommendation to the Western Australian Planning Commission (WAPC) for the application submitted by R McCallum Architect on behalf of the owner Department of Housing & Works (DHW) for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Lodging House/Private Hostel, at No.88 (Lots Y31 and Y32 D/P: 956) Richmond Street, Leederville due to the lack of information submitted to the Council in relation to the above development proposal for the Council to make an informed recommendation to the WAPC;*
- (ii) *WRITES to DHW requesting that it provides the following details to the Town and the WAPC relating to the proposal within 14 days of notification:*
  - (a) *maximum number of women and children (if applicable) to be accommodated at the hostel at any one time and their ages;*
  - (b) *approximate length of stay of each occupant;*
  - (c) *the car parking required for the proposal;*
  - (d) *who will oversee the hostel and are there supervisory staff on site and if so how many and at what times?;*
  - (e) *an emergency management plan/procedure;*
  - (f) *criteria used to determine a person admittance for stay at the hostel; and*
  - (g) *will the hostel accommodate persons with a history of a alcohol/drug abuse, mental illness or criminal background and any other relevant information?; and*
- (iii) *WRITES to WAPC requesting that an extension to the commenting period be granted to allow for the above information to be submitted by the DHW, further public consultation in relation to the additional information to be submitted for those that made a submission and for the matter to be reported back to the Council for further consideration.*

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

*That the recommendation be adopted.*

**Debate ensued.**

**LOST (0-9)**

**Reason:**

Updated information had been provided by the officers to Elected Members.

**ALTERNATIVE RECOMMENDATION:**

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

*That the following alternative recommendation be adopted.*

*“That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission for the application submitted by R McCallum Architect on behalf of the owner Department of Housing & Works (DHW) for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Lodging House/Private Hostel, at No. 88 (Lots Y31 and Y32 D/P: 956) Richmond Street, Leederville, and as shown on plans stamp-dated 8 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 Richmond 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 maximum of nine (9) people should be accommodated at the premises at any one time;*
- (iv) *ongoing compliance with the Town's Health Local Law 2004 pertaining to house maintenance and relevant lodging house operational requirements;*
- (v) *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;*
- (vi) *no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility;*
- (vii) *a management plan shall be prepared and submitted to the satisfaction of the Town and be implemented as from the first occupation of the development and thereafter maintained;*
- (viii) *detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the commencement of works;*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to bedroom 4 on the eastern elevation, bedroom 3 on the western elevation and bedrooms 1 and 2 on the northern elevation of the rear unit 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. 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;*
- (x) *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);*
- (xi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Richmond Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xii) *the applicants acknowledging the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the development. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development; and*

- (xiii) *an information session being held by the Town for all affected residents and that any concerns raised as a result of this meeting be forwarded to the WAPC for its consideration.*

**CARRIED (9-0)**

At 9.23pm **Moved** Cr Doran-Wu, **Seconded** Cr Farrell

*That Item 10.1.19 be recommitted to allow for reconsideration of the conditions.*

**CARRIED (9-0)**

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

*That a new clause (xiv) be added to read as follows:*

- “(xiv) a community reference group being established, with the Terms of Reference being determined by the Chief Executive Officer.”*

**CARRIED (7-2)**

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

**COUNCIL DECISION ITEM 10.1.19**

*“That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission for the application submitted by R McCallum Architect on behalf of the owner Department of Housing & Works (DHW) for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Lodging House/Private Hostel, at No. 88 (Lots Y31 and Y32 D/P: 956) Richmond Street, Leederville, and as shown on plans stamp-dated 8 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 Richmond 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 maximum of nine (9) people should be accommodated at the premises at any one time;*
- (iv) *ongoing compliance with the Town's Health Local Law 2004 pertaining to house maintenance and relevant lodging house operational requirements;*
- (v) *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;*
- (vi) *no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility;*
- (vii) *a management plan shall be prepared and submitted to the satisfaction of the Town and be implemented as from the first occupation of the development and thereafter maintained;*
- (viii) *detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the commencement of works;*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to bedroom 4 on the eastern elevation, bedroom 3 on the western elevation and bedrooms 1 and 2 on the northern elevation of the rear unit 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. 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;*

- (x) *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);*
- (xi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Richmond Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xii) *the applicants acknowledging the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the development. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*
- (xiii) *an information session being held by the Town for all affected residents and that any concerns raised as a result of this meeting be forwarded to the WAPC for its consideration; and*
- (xiv) *a community reference group being established, with the Terms of Reference being determined by the Chief Executive Officer.*

<b>Landowner:</b>	Department of Housing & Works
<b>Applicant:</b>	R McCallum Architect
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 40
<b>Existing Land Use:</b>	Lodging House
<b>Use Class:</b>	Lodging House
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	592 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 11 March 2003            The Council at its Ordinary Meeting resolved to recommend refusal for demolition of existing two -storey dwelling and construction of Two (2) Two-Storey Grouped Dwellings.
- 1 May 2003              The Western Australian Planning Commission also resolved to refuse the above planning application.
- 3 September 2003      A planning application for an identical proposal to the current proposal being considered was submitted.

21 November 2003 The above planning application was conditionally approved by the Western Australian Planning Commission without the Town's comments as a request for a time extension by the Town to undertake 'SA' advertising procedures was not granted (this approval has since lapsed on 21 November 2005).

As the proposal is submitted by a State Organisation, the determining authority is the WAPC. The Town's role is to accept and assess the application and make a recommendation to WAPC.

**DETAILS:**

The proposal involves proposed partial demolition of and alterations and two-storey additions to existing lodging house/private hostel.

Subsequent to a complaint being received regarding the works being undertaken on-site, the Town's Development Compliance Officer visited the site on 17 March 2006 and consequently spoke to the Department of Housing and Works. To-date, the front verandah and rear lean-to have been removed, trees have also been removed from the front and rear of the property, ground levels reduced and general site clearance has taken place. The Town's Officers are not aware of any internal works having taken place. The Officers have expressed concern that work had commenced prior to approval and the DHW has advised the Town that no further work will now take place until approval has been granted by WAPC and a Building Licence issued. The Town will monitor the situation to ensure compliance with its requirements.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Privacy Setbacks	Bedrooms - 4.5 metres	Rear Unit : Bedroom 4- 3.0 metres to East boundary Bedroom 3 -4.54 metres to West boundary Bedroom 1 and 2 - 3.0 metres to North boundary	Not supported-recommended that this matter be conditioned to comply in the event of an approval.
Car bays	9 car bays (before adjustment factors)	2 car bays	Refer to comments.

<b>Consultation Submissions</b>		
Support	Nil	Noted.
Objection (4)	<ul style="list-style-type: none"> <li>• Car Parking</li> <li>• Size and nature of development inappropriate for area</li> <li>• Bulk and scale of development</li>   <li>• Lack of information</li> <li>• Overlooking</li> <li>• No consideration to external break out areas and security</li> <li>• Undue impact on streetscape and amenity</li> </ul>	<p>Refer to comments. Refer to comments.</p> <p>Not supported- as setbacks and height of development is considered acceptable and not to have an undue impact on the amenity of the area.</p> <p>Supported- refer to comments.</p> <p>Supported- refer to above.</p> <p>Refer to comments.</p> <p>Refer to comments.</p>
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

**COMMENTS:**

**Heritage Comments**

The subject place at No. 88 Richmond Street is a two storey Federation Georgian revival style residence constructed c 1900. In accordance with the Town of Vincent Town Planning Scheme No. 1 Municipal Heritage Inventory Model adopted at the Ordinary Meeting of Council on 14 March 2006, the subject place does not meet the threshold for entry onto the Town's Municipal Heritage Inventory.

The Town's comment period for this proposal ended on 30 May 2006. The Western Australian Planning Commission (WAPC) has not responded to the Town in relation to a request for an extension in this comment period.

The Town has been unsuccessful in obtaining additional information from the DHW regarding the proposal due to issues relating to confidentiality. The information which has been requested from DHW verbally and via email is as follows:

- Maximum number of women and children (if applicable) to be accommodated at the hostel at any one time and their ages;
- approximate length of stay of each occupant;
- the car parking required for the proposal;
- who will oversee the hostel and are there supervisory staff on site and if so how many and at what times;

- an emergency management plan/procedure;
- criteria used to determine a person admittance for stay at the hostel; and
- will the hostel accommodate persons with a history of a alcohol/drug abuse, mental illness or criminal background?

It is considered that the above information is pertinent, in order for the Town/Council to make an informed recommendation, and as much it is recommended that the Council defers its decision with regards to the above proposal, writes to DHW requesting the above information and writes to the WAPC requesting an extension time for the comment period.

**10.1.5 No. 348 (Lot: 32 D/P: 1197) Lord Street, Highgate - Proposed Two - Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO2267; 5.2006.5.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Phillis		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Design & Construct Residential on behalf of the owner N and L Rykers for proposed Two - Storey Single House, at No. 348 (LOT: 32 D/P: 1197) Lord Street, Hightgate, and as shown on amended plans stamp-dated 20 April 2006 , subject to the following conditions:*

(a) *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 Lord Street boundary and the main building, including along the side boundaries within this front setback area, complying 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.*

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

(b) *first obtaining the consent of the owners of No. 346 Lord Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing south west in a good and clean condition;*

- (c) *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;*
- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the boundary wall to the garage on the south-west elevation being reduced not to exceed the average wall height requirement of 3.0 metres, measured from the natural ground level to above eaves/ top of wall.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;*
- (e) *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; and*
- (f) *the proposed boundary wall (front and sides) within the 5 metre 'Other Regional Roads Reservation' adjacent to Lord Street shall be deleted from the plans; and*
- (ii) *the applicant/owner is advised that in the event that the owner / applicant wishes to proceed with a proposed boundary wall or other works within the 'Other Regional Road Reservation' area, that the owner / applicant is required to liaise with the Western Australian Planning Commission, being the determining Authority, in relation to such works.*

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**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Cr Chester departed the Chamber at 9.14pm.

**Moved Cr Farrell, Seconded Cr Messina**

*That clause (i)(d) be deleted and the remaining subclauses renumbered.*

Debate ensued.

Cr Messina departed the Chamber at 9.15pm

Cr Doran-Wu departed the Chamber at 9.16pm.

**AMENDMENT CARRIED ON THE  
CASTING VOTE OF THE PRESIDING MEMBER (4-3)**

**For**

Mayor Catania (2 votes)

Cr Farrell

Cr Torre

**Against**

Cr Ker

Cr Lake

Cr Maier

Crs Chester, Doran-Wu and Messina returned to the Chamber at 9.17pm.

**Moved Cr Maier, Seconded Cr Lake**

*That;*

1. *clause (i) (a) (1) to (5) be deleted and the remaining clauses be renumbered accordingly; and*
2. *clause (ii) be deleted and a new clause (ii) be added as follows:*  
  
*"(ii) in the event that the owner /applicant wishes to proceed with a proposed boundary wall or other works within the 'Other Regional Road Reservation' area, the owner / applicant is required to submit a new development application for those works, whereby the Town of Vincent will refer such application to the Western Australian Planning Commission, being the determining Authority, in relation to works within the 'Other Regional Road Reservation' area."*

Debate ensued.

**AMENDMENT LOST (4-5)**

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

**MOTION AS AMENDED CARRIED (8-1)**

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

**COUNCIL DECISION ITEM 10.1.5**

*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 Design & Construct Residential on behalf of the owner N and L Rykers for proposed Two - Storey Single House, at No. 348 (LOT: 32 D/P: 1197) Lord Street, Hightgate, and as shown on amended plans stamp-dated 20 April 2006 , subject to the following conditions:*

- (a) *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 Lord Street boundary and the main building, including along the side boundaries within this front setback area, complying 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.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*
- (b) *first obtaining the consent of the owners of No. 346 Lord Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing south west in a good and clean condition;*
- (c) *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;*
- (d) *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; and*
- (e) *the proposed boundary wall (front and sides) within the 5 metre 'Other Regional Roads Reservation' adjacent to Lord Street shall be deleted from the plans; and*
- (ii) *the applicant/owner is advised that in the event that the owner / applicant wishes to proceed with a proposed boundary wall or other works within the 'Other Regional Road Reservation' area, that the owner / applicant is required to liaise with the Western Australian Planning Commission, being the determining Authority, in relation to such works.*

<b>Landowner:</b>	N and L Rykers
<b>Applicant:</b>	Design & Construct Residential
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential (R60)
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	558 square metres
<b>Access to Right of Way</b>	South Eastern side, 4 metres wide, sealed, owned by the Town Of Vincent.

**BACKGROUND:**

10 February 2004 Council, at its Ordinary Meeting, refused a proposal for Two (2), Two-Storey Grouped Dwellings and One (1) Two-Storey Single Bedroom Grouped Dwelling, with Basement Car Parking and Stores.

March 2004 The owner lodged an appeal for the abovementioned refusal to the Town Planning Appeal Tribunal, where the appeal was upheld.

**DETAILS:**

The proposal involves a 4 bedroom, 2 bathrooms (3 w/c), two-storey dwelling with two single storey boundary walls on the southern side.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	1 dwelling R60	1 dwellings R60	Noted
Plot Ratio	0.65 <i>OR</i> 362 square metres	0.5 <i>OR</i> 278 square metres	Noted
Boundary Setbacks			
South-West Ground	1.5 metres (kitchen section)	1.087 metres	Supported - as the subject section of wall is 4.7 metres in length, on the ground floor and would not detrimentally affect the adjoining property.
North-East Upper	1.6 metres	1.5 metres	Supported - as the variation is only considered to be minor and there are no major openings on this elevation.

Boundary Wall Height South	3.0 metre average height, with maximum 3.5 metres.	3.2 metres - 3.4 metres	<p>Not Supported - as the garage is not a habitable room and therefore there is no valid reason for the boundary wall heights to exceed the average wall height requirement of 3 metres, as ceiling heights can be reduced to the minimum requirement of 2.4 metres.</p> <p>Reducing the garage wall height will assist in reducing building bulk on to the south west adjoining property.</p>
<b>Consultation Submissions</b>			
Support	Nil	Noted.	
Objection (1)	<p>Owner 346 Lord Street (South Western Adjoining Property)</p> <p><i>"I object to the boundary walls and parapet walls and setbacks and balcony setbacks to southern boundary. Please comply with the requirements. There is plenty of room to build. Why do we have to compromise? Please stick to the requirements".</i></p>	<p>The dividing boundary walls are supported - as they comply with the Council's Local Law Relating to Fences, Floodlights and Other External Lights.</p> <p>The parapet walls are supported - as they meet the Acceptable Development Standards of the Residential Design Codes under the R60 density.</p> <p>Overshadowing to the south western property complies with Acceptable Development Standards of the Residential Design Codes at 30 per cent, in lieu of a maximum of 50.</p> <p>The upper floor balcony is fully screened and therefore will not cause any privacy or amenity impact on the south western adjoining property.</p> <p>The setback variations are discussed above.</p>	

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

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

\* 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**

That in light of the above, the proposal be recommended for approval, subject to appropriate conditions being imposed.

**10.1.1 Further Report -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 (Medical Practitioner) with Associated Living Accommodation and Undercroft Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	6 June 2006
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO2547; 5.2006.19.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by 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 (Medical Practitioner) with Associated Living Accommodation and Undercroft Car Parking at No. 28 (Lot 56 D/P: 613) Monger Street, Perth, and as shown on plans stamp-dated 18 January 2006 and 26 May 2006 (overshadowing plan), 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) the hours of operation shall be limited to the following times: 8.30am to 6pm Monday to Friday and 8.30 am to 3 pm Saturday, inclusive;*
- (iii) a maximum of two (2) consultants/practitioners are permitted to operate from the property at any one time;*
- (iv) this approval is for Consulting Rooms (Medical Practitioner) only and should the applicant/owner wish to change the nature of the consulting room use, it shall be necessary to reapply to and obtain approval from the Town prior to commencement of the new use;*
- (v) any new street/front wall, fence and gate between the Monger 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.*
- (vi) *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;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *doors and windows and adjacent floor areas fronting Monger Street shall maintain an active and interactive relationship with these streets;*
- (ix) *prior to the first occupation of the development, one (1) car parking space provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (x) *any proposed vehicular entry gates adjacent to Monger Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xi) *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, and thereafter implemented and maintained;*
- (xii) *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;*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Monger 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);*
- (xiv) *prior to the issue of a Building Licence, in relation to the living accommodation, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (xv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the kitchen on the eastern elevation and to the treatment and waiting room on the western elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole 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;*
- (xvi) *prior to the first occupation of the development, one (1) class 3 bicycle parking facility shall be provided at a location convenient to the entrances and within 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*
- (xvii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the driveway being the minimum gradient required as per Australian Standards 2890.1;*
  - (b) *all car parking bays complying with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking"; and*
  - (c) *a line marked pathway in front of stairs be indicated on plans to avoid this area being used as a parking space.*

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

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**Moved Cr Chester, Seconded Cr Maier**

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

- "(xvii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the driveway being the ~~minimum~~ maximum gradient required as per Australian Standards 2890.1 and to demonstrate that the setback of the building being the minimum possible from the Monger Street boundary;*
  - (b) *all car parking bays complying with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking"; ~~and~~*
  - (c) *a line marked pathway of 1.5 metres wide in front of stairs be indicated on plans to avoid this area being used as a parking space; and*
  - (d) *access for people with disabilities to be provided in accordance with Part D3 of the BCA and AS 1428.1.*

*The applicant is advised that the provisions of Australian Standards 2890.1 and Part D3 of the BCA and AS 1428.1, as outlined in (xvii)(a) and (d) above, are required to be complied with in the design of the vehicular access ramp and access for people with disabilities to the building to the satisfaction of the Town. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."*

Debate ensued.

**CARRIED (9-0)**

**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 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 (Medical Practitioner) with Associated Living Accommodation and Undercroft Car Parking at No. 28 (Lot 56 D/P: 613) Monger Street, Perth, and as shown on plans stamp-dated 18 January 2006 and 26 May 2006 (overshadowing plan), 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) the hours of operation shall be limited to the following times: 8.30am to 6pm Monday to Friday and 8.30 am to 3 pm Saturday, inclusive;*
- (iii) a maximum of two (2) consultants/practitioners are permitted to operate from the property at any one time;*
- (iv) this approval is for Consulting Rooms (Medical Practitioner) only and should the applicant/owner wish to change the nature of the consulting room use, it shall be necessary to reapply to and obtain approval from the Town prior to commencement of the new use;*
- (v) any new street/front wall, fence and gate between the Monger 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.*
- (vi) *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;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *doors and windows and adjacent floor areas fronting Monger Street shall maintain an active and interactive relationship with these streets;*
- (ix) *prior to the first occupation of the development, one (1) car parking space provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (x) *any proposed vehicular entry gates adjacent to Monger Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xi) *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, and thereafter implemented and maintained;*
- (xii) *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;*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Monger 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);*
- (xiv) *prior to the issue of a Building Licence, in relation to the living accommodation, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (xv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the kitchen on the eastern elevation and to the treatment and waiting room on the western elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole 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;*
- (xvi) *prior to the first occupation of the development, one (1) class 3 bicycle parking facility shall be provided at a location convenient to the entrances and within 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*
- (xvii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the driveway being the maximum gradient required as per Australian Standards 2890.1 and to demonstrate that the setback of the building being the minimum possible from the Monger Street boundary;*
  - (b) *all car parking bays complying with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
  - (c) *a line marked pathway of 1.5 metres wide in front of stairs be indicated on plans to avoid this area being used as a parking space; and*
  - (d) *access for people with disabilities to be provided in accordance with Part D3 of the BCA and AS 1428.1.*

*The applicant is advised that the provisions of Australian Standards 2890.1 and Part D3 of the BCA and AS 1428.1, as outlined in (xvii)(a) and (d) above, are required to be complied with in the design of the vehicular access ramp and access for people with disabilities to the building to the satisfaction of the Town. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."*

#### **ADDITIONAL INFORMATION:**

The Town's Technical Services have advised that with the maximum gradient allowed, a setback of approximately 6.0 metres will be achieved. The Town's Technical Services have also advised that it cannot specify the setback that will be achieved as this is dependant on the design of the gradient.

Preliminary assessment of the current ramp proposed by the Town's Building Surveyors did not identify any major issues of non-compliance with the relevant requirements in terms of access for people with disabilities. However, given condition (xvii) (a), a separate ramp and/or lift will now be required for access for people with disabilities. An 'Amended Recommendation' has been prepared accordingly, as per condition (xvii)(d) above.

**FURTHER REPORT:**

The subject application was considered at the Ordinary Meeting of Council held on 23 May 2006, where the Council resolved as follows:

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

Whilst the previous Officer Recommendation remains unchanged, that is, not to support the above proposal, the above Further Officer Recommendation has been amended to reflect the resolution of the Council and the conditions the Town's Officers consider appropriate for approval.

An amended overshadowing diagram has also been submitted by the applicant and attached for the Council's consideration. In addition, the applicant has advised that the owners are willing to change the gradient of the driveway to 1 in 6 which should achieve a front setback of approximately 5-6 metres. This is considered to achieve a better outcome in terms of the impact on the streetscape and has been conditioned accordingly. Other matters relating to Technical Services advice has also been conditioned as part of condition (xvii).

The proposal description has also been amended to better reflect the proposal and the Car Parking Table has been updated as follows:

<b>Car Parking - Commercial Component</b>	
Consulting Rooms: 3 spaces per consulting room (4 rooms), however, only 2 practitioners will be operating at any one times	
Total car parking requirement (nearest whole number)	6 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> </ul>	(0.85)  5.1 car bays
Minus car parking on-site	8 (1 car bay has been allocated to residential component)
Minus the most recently approved on-site parking shortfall	N/A
Resultant surplus	2.9 car bays
<b>Bicycle Parking</b>	
Retail Premises - Shop <ul style="list-style-type: none"> <li>• 1 space per 8 practitioners (class 1 or 2)- 0.25 space</li> <li>• 1 space per 4 practitioners (class 3)- 0.5 space</li> </ul>	Nil facilities indicated on plans, and has been conditioned to comply.

The following is a verbatim copy of the Minutes of the previous report to the Council at its Ordinary Meeting held on 23 May 2006.

*"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.*

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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)

For  
Cr Chester  
Cr Doran-Wu  
Cr Lake  
Cr Maier

Against  
Mayor Catania  
Cr Farrell  
Cr Messina

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

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<i>Landowner:</i>	<i>H Vu</i>
<i>Applicant:</i>	<i>R Moore</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80</i>
<i>Existing Land Use:</i>	<i>Vacant</i>
<i>Use Class:</i>	<i>Office Building &amp; Grouped Dwelling</i>

<i>Use Classification:</i>	<i>"AA" &amp; "P"</i>
<i>Lot Area:</i>	<i>438 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

**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:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>3 multiple dwellings R 80  or  2 single houses/grouped dwellings R 60</i>	<i>1 dwelling R22.8</i>	<i>Supported- as there is no variation.</i>
<i>Plot Ratio</i>	<i>0.65 -284.7 square metres</i>	<i>0.09 -40 square metres</i>	<i>Supported- as there is no variation.</i>
<i>Mixed Residential/ Commercial Development</i>	<i>To contain a residential component of no less than 66 per cent of the existing or approved floor space.</i>	<i>23 per cent residential component</i>	<i>Not supported- refer to 'Comments' section.</i>

<i>Setbacks: South (front)</i>	<i>Setback from street alignment at such distances which is generally consistent with building setback on adjacent land and in the immediate locality.</i>	<i>Setback not considered to be generally consistent with building setback on adjacent land</i>	<i>Not supported- as it results in an undue impact on streetscape.</i>
<i>West</i>	<i>3.2 metres (or 1.7 metres if no major openings)</i>	<i>1.0 metre -1.98 metres</i>	<i>Supported- as setbacks are staggered and no undue impact.</i>
<i>East</i>	<i>3.7 metres (or 1.7 metres if no major openings)</i>	<i>1.0 metre -1.97 metres</i>	<i>Supported- as setbacks are staggered and no undue impact.</i>
<i>Privacy Setbacks</i>	<i>Habitable rooms other than bedrooms - 6.0 metres</i>	<i>Kitchen - 1.96 metres to East.  Treatment and waiting room- 1.98 metres.</i>	<i>Not supported- recommended that this matter be conditioned in event of approval.</i>
<i>Cay bays (commercial component)</i>	<i>10.2 car bays (after adjustment factors)</i>	<i>8 car bays</i>	<i>Supported in part- recommended that shortfall be addressed via cash-in-lieu in the event of approval.</i>
<i>Consultation Submissions</i>			
<i>Support (9)</i>	<ul style="list-style-type: none"> <li>• <i>Proposal beneficial to community.</i></li> <li>• <i>Style, height, bulk and scale of building is in keeping with streetscape.</i></li> <li>• <i>Parking provision considered to be adequate.</i></li> <li>• <i>Residential/Commercial mix component supported.</i></li> <li>• <i>Proposal will not affect amenity of area.</i></li> <li>• <i>Front setback is considered appropriate.</i></li> </ul>		<ul style="list-style-type: none"> <li><i>Supported- however, refer 'Comments'.</i></li> <li><i>Supported- however, refer 'Comments'.</i></li> <li><i>Supported in part- refer to above.</i></li> <li><i>Not supported- refer to 'Comments' section.</i></li> <li><i>Supported- however, refer 'Comments'.</i></li> <li><i>Not supported- refer to above.</i></li> </ul>
<i>Objection (2)</i>	<ul style="list-style-type: none"> <li>• <i>Front Setback.</i></li> <li>• <i>Car parking.</i></li> </ul>		<ul style="list-style-type: none"> <li><i>Supported- refer to above.</i></li> <li><i>Supported in part- refer to above.</i></li> </ul>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

<i>Car Parking - Commercial Component</i>	
<i>Consulting Rooms: 3 spaces per consulting room (4 rooms)</i>	
<i>Total car parking requirement (nearest whole number)</i>	<i>12 car bays</i>
<i>Apply the adjustment factors.</i>	
<ul style="list-style-type: none"> <li>• <i>0.85 (within 400 metres of a bus stop)</i></li> </ul>	<i>(0.85)</i>
	<i>10.2 car bays</i>
<i>Minus car parking on-site</i>	<i>8</i> <i>(1 car bays has been allocated to residential component)</i>
<i>Minus the most recently approved on-site parking shortfall</i>	<i>N/A</i>
<i>Resultant shortfall</i>	<i>2.2 car bays</i>

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

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

**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. "*

**10.1.7 No. 132 (Lot: 97 D/P: 2001) East Parade, East Perth - Proposed Additional Three (3) Two-Storey Single Bedroom Grouped Dwellings to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Banks Precinct; P15	<b>File Ref:</b>	PRO2989; 5.2006.151.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Jeremy Falcke Design on behalf of the owner L Jelinek for proposed Additional Three (3) Two-Storey Single Bedroom Grouped Dwellings to Existing Single House, at No. 132 (Lot: 97 D/P: 2001) East Parade, East Perth, and as shown on plans stamp-dated 31 March 2006, subject to the following conditions:*

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved depicting the balcony additions being screened a total of 3 metres from the southern wall on the eastern elevation with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. The permanent obscure material does not include self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies. Alternatively, prior to the issue of a Building Licence, written consent being submitted from the owners of No. 128 East Parade stating no objections to the screening on the rear of the balcony as proposed;*
- (iv) *prior to the issue of a Building Licence, in relation to the ~~multiple~~ grouped dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that:*
- (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
- (b) *the floor plan layout is to be maintained in accordance with the Planning Approval plans.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the East Parade verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *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) *no car parking structures shall be erected within the front setback area adjacent to East Parade; and*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the existing house be provided with a store, not visible from the adjacent street(s), accessible from the outside, and of a minimum area of 4 square metres and a minimum dimension of 1.5 metres. The store shall be provided as a weatherproof enclosure with a lockable door and be built in materials compatible with the development.*

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

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

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**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**Debate ensued.**

**LOST (3-6)**

**For**

Mayor Catania  
Cr Doran-Wu  
Cr Torre

**Against**

Cr Chester  
Cr Farrell  
Cr Ker  
Cr Lake  
Cr Maier  
Cr Messina

**Reasons:**

1. **Development exceeds the maximum plot ratio requirement for single bedroom dwellings.**
2. **Non-compliance with setback and density requirements of the Residential Design Codes.**
3. **Excessive bulk.**

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<b>Landowner:</b>	L Jelinek
<b>Applicant:</b>	Jeremy Falcke Design
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	665 square metres
<b>Access to Right of Way</b>	rear,

**BACKGROUND:**

15 November 2005

The Town's Officers approved an application for an additional three (3) two storey grouped dwellings to an existing single house under delegated Authority.

**DETAILS:**

The proposal involves an application to amend the previously approved plans. The amendments specifically involve widening the staircase and the ground floor footprint and a new entrance in each of the three (3) grouped dwellings by 0.897 metre and the addition of a balcony to Unit 3.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	3.69 dwellings R60	3 dwellings R45.1	Noted
<u>Plot Ratio</u> Existing House Unit 1 Unit 2 Unit 3 Overall Maximum plot ratio for single bedroom dwelling	0.65  0.65 0.65 0.65 0.65 60 square metres	0.75  0.50 0.50 0.50 0.56 65 square metres	Supported- as for units 1, 2, 3, the overall plot ratio is below the minimum requirements.  Supported- as above.
<u>Setbacks</u> South	2.3 metres	1.4 - 2.35 metres	Supported- as the minor variation, is not considered to have an adverse impact on adjoining neighbours.
<b>Consultation Submissions</b>			
Support (1)	<ul style="list-style-type: none"> <li>Noted</li> </ul>		Noted
Objection (1)	<ul style="list-style-type: none"> <li>Setbacks should be consistent with requirements.</li> <li>Proposed balcony overlooking property.</li> <li>The proposed development will have an adverse impact on the parking situation on East Parade.</li> </ul>		<p>Not supported- as setbacks can be varied and the proposed variation in this instance is minor and not considered to have an adverse impact on adjoining neighbours.</p> <p>Supported- as privacy can be ameliorated by way of screening as per condition (iii) of the Officer Recommendation.</p> <p>Not supported- as the applicant has proposed to provide parking off the rear right of way, which is consistent with the Town's policies and has been previously approved.</p>

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

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

\* 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 car parking requirement for the proposed development is 5 car parking bays (2 bays for the existing house and 1 bay for each of the three proposed single bedroom dwellings). The applicant has proposed to provide 5 car parking bays.

In light of the above and the fact that the proposed amendments to the previously approved plans are considered minor, the application is recommended for approval.

Mayor Catania advised that Cr Messina had declared a financial interest in this Item. Cr Messina had Council approval to remain in the Chamber and participate in debate but not vote on the matter.

**10.2.6 Further Report – Proposed Bus Stop Modification Adjacent to the Mt Hawthorn Plaza Redevelopment, Scarborough Beach Road, Mount Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Mount Hawthorn Centre; P2	<b>File Ref:</b>	PRO0266 & TES0128
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C. Wilson		
<b>Checked/Endorsed by:</b>	R. Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report on the proposed modification to the bus stop adjacent to the Mount Hawthorn Plaza Shopping Centre, in Scarborough Beach Road, Mt Hawthorn;*
- (ii) *NOTES the Public Transport Authorities and Main Roads WA comments in respect of the proposal as outlined in the report;*
- (iii) *APPROVES IN PRINCIPLE the proposed modification of the bus stop as shown on attached plan SK\_01 subject to the existing bus shelter being relocated and retained at this location to the satisfaction of the Town;*
- (iv) *REQUESTS the applicant to advertise/display the proposal in the Mt Hawthorn Plaza redevelopment display area for 21 days, from a date to be agreed by the Town;*
- (v) *ADVERTISES the proposal to the Mount Hawthorn Precinct Group and adjoining businesses and residents for 21 days seeking comments on the proposal; and*
- (vi) *in the advent that no adverse comments are received at the conclusion of advertising period, AUTHORISES the Chief Executive Officer to approve the replacement of the embayed bus stop with a kerb side stop and in the advent that adverse comments are received RECEIVES a further report on the matter.*

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**COUNCIL DECISION ITEM 10.2.6**

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

*That the recommendation be adopted.*

Debate ensued.

The Mayor asked Cr Messina to leave the Chamber as he did not have Council approval to vote. Cr Messina departed the Chamber at 9.35pm.

**CARRIED (8-0)**

**(Cr Messina was absent from the Chamber and did not vote.)**

### **PURPOSE OF REPORT:**

The purpose of this report is to provide Council with further information pertaining to the request by the developers of the 'Mezz' (*the Mt Hawthorn Plaza Shopping Centre*) to replace the existing embayed bus stop with a kerb side stop on Scarborough Beach Road adjacent to the Shopping Centre.

### **BACKGROUND:**

The redevelopment of the Mt Hawthorn Plaza Shopping Centre, located in Scarborough Beach Road, Mt Hawthorn, commenced in December 2005 and is expected to be completed by December 2006.

While the development approval and building licence sets out the conditions for the major elements of the redevelopment, some of the lesser design elements are evolving during the course of the works.

One such element is the useable footpath area fronting the new ground floor tenancies along the Scarborough Beach Road facade, between Flinders and Fairfield Streets.

At its Ordinary Meeting of 28 February 2006 Council considered a request from Hawaiian Developments to replace the embayed bus stop in Scarborough Beach Road with a kerb side stop at the same location. The developers request was based upon an anticipated significant increase in pedestrian traffic using Scarborough Beach Road once the shopping centre redevelopment is completed. Further, they envisage that some of the tenancies fronting Scarborough Beach Road will be cafés and/or restaurants seeking to incorporate alfresco dining under the new awnings to be installed as part of the upgraded facade.

At the meeting the Council decided:

*"That the Item be DEFERRED for a more detailed assessment to be made of the traffic implications and a report be provided to Council at its second meeting in March 2006."*

In accordance with above decision further information was provided to Council at its Ordinary Meeting of 28 March 2006 as part of larger report on a proposed Scarborough Beach Road Streetscape Enhancement within through the Mt Hawthorn Centre Precinct.

In respect of the bus stop Council resolved to:

*"(v) REQUESTS the applicant to submit the proposal to remove the 'embayed' bus stop on Scarborough Beach Road to the Public Transport Authority and Main Roads WA for comment and provide the Town with a report on the outcome as soon as this information is received;"*

### **DETAILS:**

#### **Existing Bus Embayment**

The Scarborough Beach Road east bound lane at this location consists of a through traffic lane and an extended embayed bus zone and two (2) ¼ P parking bays.

The existing footpath is approximately 3m wide expanding to about 5.2m wide at either end, adjacent the intersections. While the existing footpath width is adequate to cater for the current pedestrian traffic, the developer anticipates that pedestrian traffic will increase significantly once the shopping centre redevelopment is completed. Further, they envisage that some of the tenancies will be cafés and/or restaurants seeking to incorporate alfresco dining under the new awnings to be installed as part of the upgraded facade.

### **Proposed Bus Embayment Modifications**

In order to accommodate both pedestrians and alfresco dining, Hawaiian Developments have submitted a proposal to remove the embayed bus zone and shelter. The intention, as shown on the attached diagram (SK\_01), is to widen the footpath to approximately 5.0m, and install a kerbside bus stop, with a decorative bench seat and tactile paving. The two (2) ¼ P parking spaces at the Fairfield Street end would be retained to service the existing tenancies.

The concept of a kerbside bus stop is that if a bus is stopped within the traffic lane, for people using the bus, the traffic following has to wait until the bus moves off. The benefit to the public transport system is that there would be no delay in the bus re-entering the traffic stream. While not yet commonplace in Perth, the system operates successfully in South Terrace, Fremantle, and has recently has been introduced in Newcastle Street as part of East Perth Redevelopment Authority's upgrade project.

### **Traffic Study**

In support of the application, Hawaiian engaged Riley Consulting Traffic and Transportation Consultants to assess the impact of the proposed changes. The primary concern is one of potential traffic queuing if a Transperth bus, typically the No. 400 regional service or No. 15 local service, is stopped in the traffic lane for people using the bus during the morning peak period. Given the proximity of the bus stop to the signalised intersection at Flinders Street, traffic could potentially queue back through the intersection.

The report found (in part) that:

*“the impact of removing the embayment will be that buses are required to stop in the traffic lane and will obstruct the through movement. It can be seen from the bus survey that typically 6 vehicles pass the bus whilst it's stopped at the stop. (sic) It can therefore be concluded that if the bus blocks the traffic lane, then typically 6 vehicles will be caught behind the bus and a queue of (6 x 6.5m) 39 metres is likely to occur.*

*The bus stop is currently located 50 to 60m metres clear of the Flinders Street traffic signal intersection and a queue of 9 vehicles could be accommodated before the queue would be likely to interfere with the operation of the intersection.”*

The conclusions of the report were:

- It can be seen that buses can be subject to an additional delay of 9 seconds per bus when using the existing embayment. Removal of the bus embayment will result in no additional delays to buses when departing the stop adjacent to the Mezz.
- Based on the average stopping times of buses, a possible queue of 6 vehicles may occur if no opportunity exists to overtake the bus whilst stopped. The typical queue that may occur can be accommodated without interfering with the traffic signals at the intersection of Scarborough Beach Road and Flinders Street.
- The average increase to vehicle journey times through Mount Hawthorn is **one** second. The increase is considered to be insignificant.
- Removal of the bus embayment introduces an opportunity to provide pedestrian and community amenity to the footpath in the form of alfresco facilities that will enhance the main street of Mount Hawthorn.

**Additional Information (as requested by the Council)**

Riley Consulting Traffic and Transportation Consultants provided the following additional information and comments in support of their submission:

*"Traffic modelling of the proposal to replace the embayed bus zone with kerbside bus stop indicates that typically about 3 vehicles may be delayed behind a bus using the stop during the busiest peak period.*

*The average bus stopping time was recorded to be about 10 seconds, although one or two buses appeared to use the stop as a timed stop (when ahead of schedule) and it is suggested that Transperth be requested to use other stops for this purpose.*

*It is considered that the likelihood of stopped buses affecting traffic turning left from Flinders Street is minimal. As indicated, buses travel along Scarborough Beach Road and would impact traffic on the major road. If we assume that the bus passes through the traffic signals at the end of the green period with 3 cars following, then we can derive that the 3 cars will be held behind the bus when stopped and let us assume that the stop is 15 seconds. The green to traffic to allow the 3 cars to pass through the intersection would be about 3 to 5 seconds and the intergreen period before traffic could cross the Flinders Street stop line would be 7 seconds (assuming that the pedestrian stage was not called). In total of the 15 seconds bus stopping time, (say 3 + 7) 10 seconds would be dead time to traffic on Flinders Street. Allowing 2 seconds lag time for traffic to start once the signals turn green, it can be seen that the bus would start moving from the stop within about 3 seconds of a car turning into Scarborough Beach Road.*

*In summary of the calculation above it is likely that only the traffic on Scarborough Beach Road would be affected as the traffic signals would hold traffic on Flinders Street until such time that the bus had moved on, so traffic turning left from Flinders Street is very unlikely to be affected.*

*Also, during the period of the site inspection the volume of traffic turning left from Flinders Street was very low and on many green periods only 1 or 2 vehicles made this movement.*

Having considered both the original report of 28 February 2006 and the above additional information provided, as requested at its Ordinary Meeting of 28 March 2006, Council resolved to:

- “(v) *REQUESTS the applicant to submit the proposal to remove the ‘embayed’ bus stop on Scarborough Beach Road to the Public Transport Authority and Main Roads WA for comment and provide the Town with a report on the outcome as soon as this information is received;*”

In accordance with clause (v) above Hawaiian Developments sought comments from the Public Transport Authority (PTA) and Main Roads WA (MRWA).

**Main Roads WA (MRWA)**

MRWA’s response was very succinct:

*“As you are aware, the road in question comes under the care and control of the Town of Vincent and therefore it is inappropriate for Main Roads to comment on this proposal.”*

**Public Transport Authority (PTA)**

The PTA referred the proposal to Transperth’s Network and System Planner who provided, in part, the following response:

*“PTA agrees to the removal of this embayment and its replacement with an ‘on street’ bus stop adjacent to the existing embayment. This agreement is on the understanding that the recommendation to Council will be that in the advent of any complaints relating to the ‘on street’ bus stop Council would support the retention of the stop at this location.”*

### **LATM Advisory Group**

The proposal was also discussed at some length at the LATM Advisory Group Meeting of the 11 May 2006. While the Advisory Group mainly discussed proposed traffic management and streetscape improvement in Fairfield Street the Advisory Group also took the opportunity to discuss the Scarborough Beach Road bus embayment while The Hawaiian Development's Project Manager was in attendance. The meeting also included six (6) residents of Fairfield Street, one of whom is on the committee of the Mt Hawthorn Precinct Group, as well as the Advisory Group's three (3) community representatives.

All Advisory Group members and other attendees considered the concept to be a positive initiative as it would:

- slow traffic through the Mt Hawthorn Centre Precinct
- encourage greater pedestrian activity and interaction; and
- generally help enliven the area.

Further in respect of PTA's concerns that the Town in future may agree to shift the bus stop in the advent of complaints the residents and community representatives were adamant that the stop should not be shifted. All felt it was a well used facility, support by PTA's passenger data, and added to the social fabric of the area.

### **CONSULTATION/ADVERTISING:**

The applicant will be required to advertise the proposal in the Mt Hawthorn Plaza shopping centre redevelopment display area for 21 days. Public comments will be referred to the Town.

The Mount Hawthorn Precinct Group and the businesses along Scarborough Beach road in the vicinity of the proposal will also be consulted.

### **LEGAL/POLICY:**

In light of MRWA response the Town has the authority to approve the proposed changes.

### **STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area Three of Strategic Plan 2005-2010 – 1.4 *“Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town”*.

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

*“o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications to the Town as the proposed works/changes would be fully funded by the developer, Hawaiian Developments.

**COMMENTS:**

Over recent times there has been a subtle change in transport planning in respect of the interaction between bus services and general traffic. In the past the priority, where possible, has been to install embayed bus bays to isolate the bus from the through traffic lane to reduce delays. However, the down side is that in heavy or congested traffic the bus can be delayed when re-entering the traffic stream.

The current direction, where appropriate, such as commercial / retail precincts, a kerbside bus stop acts as a traffic calming measure, has minimal impact upon the general traffic flow and improves the level of service of the bus system.

**10.1.24 LATE REPORT – Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 - Relating to Land coded R20, within the Eton Locality Plan 7**

<b>Ward:</b>	North	<b>Date:</b>	12 June 2006
<b>Precinct:</b>	North Perth, P8; Mount Hawthorn, P1	<b>File Ref:</b>	PLA 0101
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Batina		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission as contained in letter dated 8 June 2006, relating to the modifications required to Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1;*

(ii) *RESOLVES pursuant to Town Planning Regulations 21 (2) and 25, that Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 8 June 2006, BE ADOPTED FOR FINAL APPROVAL as follows:*

*"Schedule of Modifications Required by the Hon. Minister For Planning and Infrastructure to the Town of Vincent Amendment No. 22 to Town of Vincent Town Planning Scheme No. 1.*

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

- 1. Retain clauses 20)4)c)ii) and 20)4)h)i) and change the date referred to in both clauses to '30 December, 2007'.*
- 2. That the words 'Delegated under S.20 of WAPC Act 1985' are replaced by the words 'Delegated Under S.16 of PD Act 2005';*

(iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 modified amending documents reflecting the Council's endorsement of final approval;*

(iv) *ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 28 March 2006, of clauses (i), (ii) and (iii) above; and*

(v) *forwards the relevant executed modified amending documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.*



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

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

16 January 2003

The Town advised the WAPC of the above resolution.

8 April 2003

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

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

10 April 2003

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

27 May 2003

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

28 May 2003

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

20 June 2003

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

23 June 2003

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

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

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

24 June 2003

The Council at its Ordinary Meeting resolved the following:

*"That the Council;*

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

11 July 2003

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

7 August 2003

The Hon. Minister for Planning and Infrastructure resolved to generally support the Council proposal to recode the Eton Locality to R20, subject to interim arrangement, that being 1 July 2006, to allow the Town to conduct a review on housing and density across the entire Town so a holistic response to density can be developed.

26 August 2003

The Council at its Ordinary Meeting resolved the following:

*“That the Council;*

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

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

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

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

- b) *Inserting sub-clause 20(4)(h)(i), as follows:*
- (h) *Mount Hawthorn Precinct P 1,*
- (i) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.";*

*BE ADOPTED FOR FINAL APPROVAL;*

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

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

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

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

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

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

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

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

24 September 2004      The Town sent further correspondence to the WAPC regarding the Town’s previous request to commence preparation of a new Town of Vincent Town Planning Scheme.

30 June 2005          A final Project Report of *Vincent Vision 2024* was delivered to the Town by the Project Consultant on 30 June 2005.

5 August 2005        The Town sent correspondence to the WAPC and the Hon Minister for Planning and Infrastructure regarding request to commence preparation of a new Town of Vincent Town Planning Scheme.

9 August 2005        The Town received acknowledgement from the Office of the Minister for Planning and Infrastructure regarding the above request.

17 August 2005        The North Perth Precinct Group wrote to the Town and expressed the following in regard to retention of the R20 code within the Eton Locality:

*“ . . . I am writing on behalf of the North Perth Precinct Group regarding the progress of the proposed residential density plan for the Town of Vincent. It is understood that this plan is prepared as part of the Town Planning Scheme Review process and will be presented in draft form to the Minister for Planning and Infrastructure in the near future.*

*Whilst we are fully aware that Council are supportive of the key objectives of the North Perth Precinct Group to retain an R20 density over most of the Eton Locality, we would appreciate the opportunity, if possible, to be involved in the proposed meeting with the Minister. We understand that the meeting with the Minister will deal with the whole Town, however it is felt that the Eton Locality as predominantly single residential resulted in it*

*being rezoned R20. However, the North Perth Precinct Group understands the need for higher residential densities in appropriate locations, particularly in areas closer to commercial and community services. . . .”*

23 August 2005

The Council at its Ordinary Meeting resolved the following amongst other matters relating to *Vincent Vision 2024*:

*“That the Council:*

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

20 September 2005

The Council at its Ordinary Meeting resolved the following:

*“That the Council;*

- (i) pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;*
  - (a) clause 20 (4) (c) (ii) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
  - (b) clause 20 (4) (h) (i) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”;*
- (ii) REQUESTS the Minister for Planning and Infrastructure and the Western Australian Planning Commission to progress the above amendment as a matter of priority due to the implications of the confined timeframe of 1 July 2006; and*

- (iii) *AUTHORISES the Chief Executive Officer to convene a meeting between the Hon. Minister for Planning and Infrastructure, the Mayor, North Ward Councillors, two (2) South Ward Councillors and representatives from the North Perth Precinct Group Inc, regarding the proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.*"

4 October 2005 Honorable Mayor Nick Catania wrote to the Office of the Minister for Planning and Infrastructure, requesting urgent attention and expedition of processing Amendment No.22 given the time constraints resulting from the 1 July 2006 deadline. In addition, the Hon Mayor requested a meeting with the Hon Minister for Planning and Infrastructure, as stated in Item (iii) of Council's resolution of the 20 September 2006.

31 October 2005 An acknowledgement letter was received from the Office of the Minister for Planning and Infrastructure on 31 October 2005, advising the Town that the Hon Minister would take into consideration the time constraints associated with the amendment at the time of final determination.

23 November 2005 The Hon Mayor again wrote to the Hon Minister reiterating the need for an urgent meeting with respect to the amendment. There has been no response from the Office of the Hon. Minister since this last correspondence from the Town.

14 March 2006 The Council at it Ordinary Meeting resolved the following:

*"That the Council:*

- (i) *RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 26 submissions of objection, 152 submissions of support and 3 submissions of no comment, as shown in Attachment 10.1.18;*
- (ii) *RESOLVES pursuant to Town Planning Regulation 17 (2), that Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 be adopted for final approval, without modification;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 documents reflecting the Council's endorsement of final approval;*
- (iv) *FORWARDS the relevant executed documents to and REQUESTS the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No.22 to the Town of Vincent Planning Scheme No.1;*

- (v) *ADVISES the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;*
- (vi) *WRITES to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No 22 as a matter of urgency and that they support and gazette Amendment No 22 prior to the 1 July 2006 deadline; and*
- (vii) *RECEIVE monthly progress reports in the Information Bulletin as to the progress of Amendment No 22.”*

28 March 2006

Due to submitters not being advised of the item being considered at the Ordinary Meeting of Council held on 14 March 2006, the item was again considered at the following Ordinary Meeting of Council where the following was resolved:

*“That the Council:*

- (i) *RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 27 submissions of objection, 152 submissions of support and 3 submissions of no comment, as shown in Attachment 10.1.18;*
- (ii) *RESOLVES pursuant to Town Planning Regulation 17 (2), that Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 be adopted for final approval, without modification;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 documents reflecting the Council’s endorsement of final approval;*
- (iv) *FORWARDS the relevant executed documents to and REQUESTS the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No.22 to the Town of Vincent Planning Scheme No.1;*
- (v) *ADVISES the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;*
- (vi) *WRITES to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No 22 as a matter of urgency and that they support and gazette Amendment No 22 prior to the 1 July 2006 deadline; and*
- (vii) *RECEIVE monthly progress reports in the Information Bulletin as to the progress of Amendment No 22.”*

The Council at its Ordinary Meeting resolved the following:

- 4 April 2006 Council advises the Western Australian Planning Commission of the Council's resolution of the Ordinary Meeting of Council on 28 March 2006.
- 18 April 2006 Council forwards the relevant executed documentation relating to Scheme Amendment No. 22 in accordance with the Council's resolution, recommending the adoption of Council's recommendation to delete reference to clauses 20)4)c)ii) and 20)4)h)i) within the Town of Vincent's Scheme No. 1 Scheme Text and related maps. In addition, the Town requested the Minister's urgent attention and determination on the matter, due to the time constraints resulting from the 1 July 2006 deadline.
- 18 April 2006 Town's Officers and North Perth Precinct Group representatives met with Officers from the Department of Planning and Infrastructure to provide a brief outline of the subject amendment and its purpose and justification.
- 8 June 2006 Town receives written advice from the Western Australian Planning Commission advising of the Minister's determination with respect to the proposed Scheme Amendment No. 22

**DETAILS:**

The Town received a letter dated 8 June 2006 from the Western Australian Planning Commission advising of the Hon Minister for Planning and Infrastructure's (Hon Minister) decision relating to Amendment No. 22 to the Town Planning Scheme No. 1. The contents of that letter are summarised as follows:

*"I refer to your letter dated 4 April 2006 and advise that the Minister for Planning and Infrastructure noted the submissions of objection and support, and had decided not to approve the above amendments until such time as the following modifications are effected:*

1. *Retain clauses 20)4)c)ii) and 20)4)h)i) and change the date referred to in both clauses to '30 December 2007'.*

*The Minister advises Council that this extension to the 'sunset' clauses has been granted to allow the Town the opportunity to complete the review of the residential densities in the town through the Local Planning Strategy, which will take into account both the community's response to urban planning issues and the State's strategic urban planning requirements.*

*The Minister further advises, in respect of the concerns expressed over the standard of recent development, that it may be beneficial for the Town to review its residential design guidelines to ensure that they address specifics of the locality and will result in development that is less likely to create negative effects on the amenity of the locality.*

*Would you please arrange for three sets of amending documents to be prepared and executed in accordance with the modifications required and submit them for the Hon Minister's endorsement of final approval.*

*In accordance with the provisions of Regulations 21 (2) and 25 of the Town Planning Regulations, 1967 (as amended), Council is required to return the executed modified amendment documents to the Commission within 42 days of being notified of the Hon Minister's decision...*

*Council is further advised that the documents will need to be modified prior to final approval so that the words 'Delegated under S.20 of the WAPC Act 1985' are replaced by the words 'Delegated under S.16 of PD Act 2005' .... "*

**CONSULTATION/ADVERTISING:**

Nil.

**STRATEGIC IMPLICATIONS:**

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

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

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

**FINANCIAL/BUDGET IMPLICATIONS**

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

**COMMENTS:**

The basis of the Hon Minister for Planning and Infrastructure determination to support the Scheme Amendment No.22 subject to the modifications outlined in the Western Australian Planning Commission's correspondence dated 8 June 2006 being effected, is considered to be reasonable and consistent with orderly and proper planning for the Town.

The Town is currently undertaking a review of Town Planning Scheme No.1, which involves the preparation of a Local Planning Strategy. The philosophy behind the new Scheme is to establish a simple, sophisticated scheme text and maps developed from a comprehensive Local Planning Strategy. The content of the Local Planning Strategy will focus on the five town centres in a Local Commercial Strategy and the residential areas of Leederville/West Perth, Mount Hawthorn, North Perth, Perth and Mount Lawley/Highgate in a Local Housing Strategy. Overall, the strategies will cultivate planning responses to the Vision Statements and Guiding Principles of *Vincent Vision 2024* in order that the resultant scheme text and maps will be representative of the community's vision. The Local Housing Strategy will also address aspects relating to the State Government's Network City, affordable housing, and how the Scheme will seek to facilitate the community's vision in terms of housing density and urban design, character and heritage, the five town centres and commercial areas, and environmental design and sustainability where it relates to town planning. Aspects relating to the level of discretion, scheme amendments (including the Eton Locality) and the inadequacies of the existing scheme will also be addressed in the Strategy. It is anticipated that a the new Town Planning Scheme will be gazetted in late December 2007.

In addition, consistent with the Commission's and Minister's recommendation, the Town has been reviewing the Town's Residential Design Guidelines since the introduction of the *Residential Design Codes* in October 2002. The Residential Design Elements Policy, which is the resultant Policy emanating from this review, is a consolidation and updated collation of the Town's development policies in relation to residential development within the Town, and includes provisions relating to subdivision and development on small lots. The anticipated date of completion of this document is August/September 2006.

The extension of time in terms of the applicability of the sunset clause from 1 July 2006 to 30 December 2007 is considered acceptable, as it will allow the Town to complete the necessary projects, mentioned above. In turn, following gazettal of the new Town Planning Scheme, the Minister will then be able to examine and determine the most suitable planning outcome in relation to the density provisions for the Eton Locality, with the appropriate information available to aid in making the Hon. Minister's decision.

In light of the above, it is therefore recommended that the Minister's request to modify the Scheme Amendment documents as stated in the correspondence dated 8 June 2006, be supported and endorsed by the Town in an expedited manner.

**10.4.7 LATE REPORT: Summary of Major Stadia Taskforce Interim Report Recommendations - Perth's Major Stadia and Members Equity Stadium, 310 Pier Street, Perth – Progress Report No. 10**

<b>Ward:</b>	South	<b>Date:</b>	11 June 2006
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0085
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) **RECEIVES;**

- (a) *the Report concerning the "Perth Major Sporting Stadia" - being the interim report of the Major Stadia Taskforce dated May 2006 (copy "Laid on the Table");*
- (b) *the Progress Report No 10 concerning the future redevelopment of Members Equity Stadium for the period 6 April 2006 to 9 June 2006; and*
- (c) *the Town's submission to the Major Stadia Taskforce concerning the redevelopment of Members Equity Stadium, as shown in Appendix D;*

(ii) **NOTES that;**

- (a) *the Interim Report has made sixteen (16) recommendations concerning Major Stadia in Perth, of which fourteen (14) are particularly relevant to the Town;*
- (b) *the Major Stadia Taskforce has determined that Members Equity Stadium should remain the preferred venue for rectangular sports;*
- (iii) *EXPRESSES its concern at the lack of prior consultation concerning the selection of East Perth - North Claisebrook (adjacent to the East Perth Power Station) as a potential site for the Major Oval Stadium;*

(iv) **REQUESTS;**

- (a) *that the Town be fully consulted concerning the future of the Power Station site and the future of Members Equity Stadium;*
- (b) *the State Government honour its commitment to the upgrade of Members Equity Stadium and the \$25 million allocated to this project; and*
- (v) *AUTHORISES the Mayor and Chief Executive Officer to meet with the Minister for Sports and Recreation, Department of Sport and Recreation and other relevant persons concerning the future of the major stadia.*

**COUNCIL DECISION ITEM 10.4.7**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**Debate ensued.**

**Cr Farrell departed the Chamber at 9.42pm.  
Cr Farrell returned to the Chamber at 9.45pm.**

**CARRIED (9-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the progress of Members Equity Stadium for the period of 6 April 2006 to 9 June 2006 and to inform the Council of the recommendations of the Major Stadia Taskforce as outlined in the Interim Report, made public on 7 June 2006.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 11 April 2006, the Council considered this matter and resolved as follows;

*"That the Council RECEIVES the Progress Report No 9 concerning the proposed redevelopment of Members Equity Stadium for the period 4 February 2006 to 5 April 2006."*

**Previous Progress Reports**

Progress reports have been submitted to the Ordinary Meeting of Council held on 11 April 2006, 14 February 2006, 22 November, 12 July and 26 April, 22 March 2005 and 21 December and 26 October 2004.

**Meetings and Correspondence**

The following action has been taken since 6 April 2006;

<b>Date</b>	<b>Action</b>
<b>DSR:</b>	
Nil.	
<b>Major Stadia Taskforce:</b>	
7 April 2006	<ul style="list-style-type: none"><li>• Presentation to Taskforce (Mayor, Chief Executive Officer and Project Architect)</li></ul>
<b>Rugby WA:</b>	
Nil.	

<b>Perth Glory Football Club (PGFC) / Football Federation of Australia (FFA):</b>	
May 2006	<ul style="list-style-type: none"><li>Meeting with A/Chief Executive Officer to discuss the future of PGFC.</li></ul>

### **DRAFT PRELIMINARY AGREEMENT**

The Preliminary Agreement was approved at the Ordinary Meeting of Council held on 26 April 2005 and signed on 28 April 2005. An amount of \$500,000 was paid to the Town on 3 May 2005. These funds are currently in the Perth Oval Stage 2 Redevelopment Reserve Fund.

### **Town's Requirements, Conditions and Expectations**

At the Ordinary Meeting of Council held on 22 March 2005, the Council determined its requirements, conditions and expectations. These were sent to the Department of Sport and Recreation. No further meetings have been held to progress this matter. Meetings will be held at the appropriate time.

### **Deed of Licence Agreement**

On 14 March 2006, the Town's Chief Executive Officer received a Deed of Licence Agreement from Rugby WA. They have advised that the Deed has been referred to their solicitors. As a number of conditions relate to matters outside the Town's jurisdiction (e.g. capacity, licence fees), emails were sent to the Department of Sport and Recreation and Allia Venue Management Pty Ltd seeking comment. At the time of writing this report, no responses have been received.

### **Future of Perth Glory Football Club**

Since November 2005, there has been considerable media publicity about the sale of Perth Glory Football Club (PGFC). The media have reported that the current Chairman, Mr Nick Tana, was keen to sell the Club, that losses of up to \$6 million have been incurred over several years, that there has been interest from several business consortiums.

On 30 April 2006, Perth Glory Soccer Club relinquished its licence in the A-League and Nick Tana also relinquished his ownership and responsibility of the Club. The Football Federation of Australia assumed responsibility for Perth Glory Football Club and appointed an interim Manager.

The FFA held negotiations with several consortiums during April and May 2006, however at the time of writing this report, a new buyer for the PGFC has not been found. There is speculation that the Football Federation will control the Club for the 2006/07 season and may appoint WA members to the PGFC Board.

The 2006/07 A-League commences in August 2006 and to date, PGFC does not have an owner or a coach and has only 11 players and 4 staff. To perform to a reasonable standard, the Club needs to make decisions.

## MAJOR STADIA TASKFORCE - INTERIM REPORT

### Major Stadia Options - Further Investigation

The preferred sites, plan and the preliminary site examination information have been obtained from the Interim Report and are included as Appendices A and B to this report.

In view of the limited time available, no detailed examination of the Interim Report has been possible. The Taskforce will be examining these options in more detail over the next 12 months.

### Town's Presentation to the Major Stadia Taskforce

On 7 April 2006, the Town's Mayor, Chief Executive Officer and Project Architect made a presentation to the Major Stadia Taskforce. The following is a summary of the presentation;

### Concept Plans - Indicative Costing

Concept Plans for Stages 2, 3 and 4 have been prepared, together with indicative costings.

The Concept Plans incorporate the Town (and DSR) tender requirements and also the request from Rugby WA, Perth Glory Football Club, WA Rugby League and Stadium Managers - Allia Venue Management Pty Ltd. **It should be noted that the indicated costs are as at August 2005.**

#### Stage 1

This was completed during 2003 at a cost of \$10.78 million (State Government - \$6.329 million [\$6,079,000 + \$250,000 for sewer diversion/works = \$6,329,000]; Town - \$4.459 million).

Capacity:	18,156 ( <i>seating - 12,410 persons, including 2,420 temporary seating; standing - 5,249 persons</i> )
Open Boxes:	240
Corporate Suites:	225
Function Room 1: <i>Gareth Naven Room</i>	290m <sup>2</sup>
Function Room 2: <i>Glory Lounge</i>	200m <sup>2</sup>
Persons with Disabilities:	32

#### Stage 2

Stage 2 involves the construction of the eastern Grandstand.

Capacity:	22,032 ( <i>seating - 15,540 persons, including 2,420 temporary seating; standing - 4,072. persons</i> )
Open Boxes:	388
Corporate Suites:	842
Function Room 1: <i>Gareth Naven Room</i>	290m <sup>2</sup>
Function Room 2: <i>Glory Lounge</i>	200m <sup>2</sup>
Persons with Disabilities:	32
Lounge area	1,395m <sup>2</sup>
<b>Indicative Costing:</b>	<b>\$33,505,000</b>
Refer "Original Bid & New 2005 Brief"	
<b>New 2005 Brief &amp; Rugby Requirement</b>	<b>\$37,935,000 (say \$38 million)</b>

### Stage 3

Stage 3 involves the construction of two new Grandstands, either side of the existing Heritage Grandstand on the west side.

Capacity:	24,958 ( <i>seating – 22,233 persons, standing – 2,725 persons</i> )
Open Boxes:	388
Corporate Suites:	923
Function Room 1:	290 m <sup>2</sup>
Function Room 2:	200 m <sup>2</sup>
Lounges	1,395 m <sup>2</sup>
<b>Indicative Costing:</b>	<b>\$55,085,000</b>

### Stage 4

Stage 4(a) involves the construction of the southern grandstand.

Stage 4(b) involves the construction of the northern grandstand.

Capacity:	31,609 ( <i>seating – 31,609 persons, standing – NIL</i> )
Open Boxes:	675
Corporate Suites:	1,022
Function Room 1:	290 m <sup>2</sup>
Function Room 2:	200 m <sup>2</sup>
<b>Indicative Costing:</b>	<b>\$87,345,000</b>

A copy of the relevant pages of the Town's PowerPoint presentation is shown at Appendix D.

### Major Stadia Taskforce - Interim Report Recommendations

The Interim Report contains the following major recommendations;

#### **RECOMMENDATION 1:**

**That the State Government adopt a policy of two major outdoor stadia that will accommodate the future needs of football (all codes) and cricket and to provide, in addition, a smaller capacity venue for cricket matches with a lower attendance.**

#### Chief Executive Officer's Comment:

The Town supports a two-Stadia policy, that is a major oval stadium of up to 60,000 capacity for use by AFL and for other sporting codes (rugby union, rugby league, soccer) "blockbuster" and artistic and cultural events and a rectangular stadium for soccer, rugby and other users.

**RECOMMENDATION 2:**

**That the State Government develop a new major multi-purpose outdoor stadium within ten years.**

*"Strategic Issue: Timing:*

*Advice received by the Taskforce suggests that the requirements of the football codes in terms of their future development will necessitate stadium development within the next five to ten years.*

*The options include providing a major outdoor stadium of at least 60,000 seats and a stadium that would accommodate rectangular sports.*

*Ideally, a new or redeveloped stadium will cater for: AFL season and finals matches; test cricket and one day internationals; Super 14 rugby and internationals; blockbuster fixtures for Rugby League and soccer; and cultural events that draw numbers in excess of 25,000 patrons.,*

*The Taskforce is of the view that a multi-purpose outdoor stadium with a seating capacity of 60,000 with design flexibility to increase seating capacity beyond 60,000 is required to accommodate oval and rectangular sports events drawing crowds beyond the current capacity of MES."*

**Chief Executive Officer's Comment:**

This recommendation concerns timing and is not of major significance to the Town. However, it should be noted that the delay in construction will inevitably result in a much higher cost.

**RECOMMENDATION 3:**

**That the State Government develops a rectangular stadium of a seating capacity to 25,000 only when there is a business case to do so. The design of the stadium should allow for further development over time.**

*"The Taskforce recommendations are driven by capacity needs and viability and how they relate to stadia developments. Currently, MES, with a seating capacity of 18,156, is adequate for the immediate needs of users..."*

*"...As a consequence, the Taskforce does not see any immediate business case to increase the capacity of MES."*

The Taskforce has determined that Members Equity Stadium should remain the preferred venue for rectangular sports. (Page 74.)

**Chief Executive Officer's Comment:**

It is pleasing that the Taskforce has determined that MES remains the preferred venue for a rectangular stadium. However, the Taskforce states that it *"does not see any immediate business case to increase the capacity of MES"*.

The Town's proposal is for a staged redevelopment of Members Equity Stadium (as detailed above), with Stage 2 being 22,000 capacity, Stage 3 - 25,000 capacity and Stage 4 - 32,000 capacity.

A 25,000 capacity stadium would cost \$55 million (at December 2005 figures). The Town supports a Business Case being developed, as the Stadium in its current state and usage is not sustainable. A commitment from Rugby WA is considered essential.

Soccer attendances during 2005/06 averaged between 9,000 and 10,000 per game and did not exceed 13,000 in the season. However, as previously reported, crowds up to 18,000 have been achieved.

The Town supports the view that the upgrade of Members Equity Stadium should be completed, as Stage 1 was completed using limited funds available at the time. The staged development prepared by the Town was prepared in consultation with (and approved by) the Department of Sport and Recreation and other stakeholders.

**RECOMMENDATION 4:**

**The national/international rectangular sport matches with a higher capacity requirement (above the capacity of MES) be played in the major outdoor stadium.**

Chief Executive Officer's Comment:

This recommendation is self-explanatory and is supported.

**RECOMMENDATION 5:**

**That the WACA be retained as a domestic cricket ground to accommodate most match requirements other than major international fixtures.**

*"In 2002 the WACA ground underwent a \$12 million redevelopment that reduced its capacity to approximately 20,000, which includes dedicated seating and open informal areas. However, the redevelopment has done little to advance cricket's financial position.*

*To maintain its current configuration, the WACA has identified that it must address the aging Prindiville and Inverarity stands.*

*The WACA recognise their current financial position and the condition of the ground, and has advised the Taskforce that they are investigating options to create a cricket venue with a capacity of between 6,000 and 10,000 where domestic one day and four day games would be played.*

*As a result of this information, the Taskforce believes that the WACA ground should be retained as a domestic cricket venue, incorporating administration and training facilities."*

Chief Executive Officer's Comment:

This recommendation is not particularly relevant to the Town, other than it signifies that the Taskforce does not support the future redevelopment of the WACA as a rectangular stadium.

**RECOMMENDATION 6:**

**That the State Government recognise the status quo in relation to Subiaco Oval, the WACA and MES is not sustainable and that it must address the problem of the level of investment in these venues.**

*"Strategic Issue: Position Relative with Other States*

*Over the past decade there has been significant commitment on stadium development driven primarily by state governments including Victoria, Queensland and New South Wales. Western Australian venues are now well behind those in other states and face significant infrastructure, capacity and transport issues. The Taskforce has formed the view that a do nothing option is clearly not viable and not in the interests of the Western Australian community or the sporting codes."*

Chief Executive Officer's Comment:

The Town supports the view that the upgrade of Members Equity Stadium should be completed, as Stage 1 was completed using limited funds available at the time. The staged development prepared by the Town was prepared in consultation with the Department of Sport and Recreation and other stakeholders.

**RECOMMENDATION 7:**

**That Western Australian Venues must be developed so as to render them comparable to those in other states and to developments in our region.**

*"Strategic Issue: Governance/Management*

*Western Australia is out of step with contemporary stadium governance models when compared with the rest of Australia. State governments in Queensland, NSW and Victoria have primary control of major state and international standard venues, whereas in Western Australia major venues are owned and/or operated by the sports. MES is managed through a negotiated contract between the owner and a private entity. Until now, there has been inadequate long term strategic facility plans for Western Australia's major sporting venues. This is a combination of the sports' perspective and the limited funding provided by previous State Governments. Western Australia has much to gain from considering other state's models which represent greater equity in decision making."*

Chief Executive Officer's Comment:

This recommendation is self-explanatory and is supported. The CEO provided similar comments in a report to the Council on 22 November 2005 (Item 10.4.3), following a site inspection to stadia in the Eastern States and New Zealand.

**RECOMMENDATION 8:**

**That the governance of national/international level sporting infrastructure should be independent of sporting codes and be managed through a trust or series of trusts under the direction of Government.**

Chief Executive Officer's Comment:

This recommendation is supported in principle. However, further clarification on the role of the Trust and the direction of the State Government is required. The Town owns the MES land freehold.

**RECOMMENDATION 9:**

**That no public funds should be allocated to the development of a major stadium until it is under the direct control of Government as per Recommendation 8.**

Chief Executive Officer's Comment:

This recommendation is supported, subject to comments in Recommendation 8.

**RECOMMENDATION 10:**

**That the resolution of governance control at the existing major venues (Subiaco Oval, WACA and MES) be negotiated with the current managers/owners having regard for existing agreements, contributions made in the past and opportunities afforded to the sports from new stadia development.**

Chief Executive Officer's Comment:

Further information is required concerning this recommendation as it applies to MES. The principle of a sporting code not having control of a major stadium to the exclusion or detriment of other sporting codes is supported. The issue of the private operator/manager (Allia Venue Management) at Members Equity Stadium was negotiated with the full knowledge of the Department of Sport and Recreation at the time. The private operator has assumed the commercial opportunities and financial obligations of managing a stadium. However, further information is required. If it is the intention of the State Government that private operators not be controlling/managing stadia, then the Town's loan of approximately \$4 million and the net annual operating costs of managing a stadium of approximately \$300,000 to \$500,000 per year must be addressed.

**RECOMMENDATION 11:**

**That the State Government ensure that requirements for all sports are considered equitably when determining public investment in stadia.**

Chief Executive Officer's Comment:

This recommendation is supported.

**RECOMMENDATION 12:**

**That a stadium location within approximately 1.5km of the CBD and with high quality public transport servicing the majority of train lines should be the preferred option.**

*"It is in the nature of stadia to attract masses of people more or less simultaneously. For that reason, stadia designers must find a location which can be easily linked to high-capacity infrastructures."*

Chief Executive Officer's Comment:

This recommendation is supported, however it must be stressed that this does not mean that the Town supports the Power Station site, which was selected without prior consultation or the knowledge of the Town.

**RECOMMENDATION 13:**

**That the State Government target public transport use of between 50 and 70 per cent through an integrated transport policy at future major oval and rectangular stadia.**

Chief Executive Officer's Comment:

This recommendation is supported, however to achieve a target of 50-70% will require considerable re-education of the sporting public. This can only be achieved through the major assistance of the State Government.

**RECOMMENDATION 14:**

**That the State Government accept the following sites for a major oval stadium as those that should be examined in more detail in the next stage of the study (including concept design, detailed site analysis and business planning):**

- **East Perth - North Claisebrook adjacent to the East Perth Power Station**
- **Subiaco - Kitchener/Mueller Park**

**One further option to be investigated is:**

- **Subiaco Oval - assisted by the WAFC proposal.**

*"In addition to the preferred options for consideration in the next stage of the project, the Taskforce has reviewed several sites for the major oval stadia that were highly considered.*

*These include:*

- *Cockburn Central*
- *Belmont Park*
- *the WACA ground.*

*For a number of reasons, each of these locations exhibited significant impediments that did not meet the site selection criteria for a major outdoor stadium."*

Chief Executive Officer's Comment:

It is premature to make comment about this recommendation, as there are insufficient details available in the Interim Report. However, as a general observation, the high capital cost of a new stadium (\$480-600 million, excluding infrastructure costs at today's dollar) is a large sum of money to be allocated for a single project and must be sustainable in the long term. Any decision for the new stadia should have stakeholder support.

The Government should distribute funding on a fair and equitable basis for the oval stadium and the rectangular stadium.

**RECOMMENDATION 15:**

**That the State Government encourage development of the precincts around stadia to provide a "sports entertainment" hub that offers a mixture of residential/commercial, retail, cultural and dining opportunities to enhance the experience of going to the game.**

Chief Executive Officer's Comment:

This recommendation is supported. However, it should not be construed as support for the Power Station site which will have a major impact on the amenity of the area surrounding this land. Furthermore, with MES, the nearby Beaufort café strip and nearby licensed premises are well patronised, both pre and post events.

**RECOMMENDATION 16:**

**That stadia design be informed by an urban and architectural experience that enhances patrons' sense of event from the moment of arrival.**

Chief Executive Officer's Comment:

This recommendation is supported. However, it is not particularly relevant to the Town.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town has included an amount of \$25 million in the Draft Budget 2005/2006. It is envisaged that the State Government will allocate the \$25 million for the Stadium upgrade, upon signing of another Financial Assistance Agreement. The Stadia Taskforce has *"undertaken to review the Government's commitment of \$25 million at MES to ensure the most effective use of this investment."*

The \$500,000 received from the DSR has been placed in the "Perth Oval - Stage 2 Redevelopment Reserve Fund".

**LEGAL/POLICY IMPLICATIONS:**

Not applicable, at this stage, however it will be required when details become more available.

**ADVERTISING/COMMUNITY CONSULTATION:**

Not applicable, at this stage, however it will be required when details become more available.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 3.2(g) - *"Implement and upgrade Members Equity Stadium (Perth Oval) in liaison with all stakeholders"*.

**COMMENT:**

There has been very little progress concerning matters about Members Equity Stadium. The release of the Major Stadia Taskforce Interim Report does provide future direction concerning stadia in Perth, however it also raises many questions.

Concern is expressed that there was no prior consultation with the Town concerning the selection of the Power Station land as a potential site for the new stadium. As this land adjoins the Town of Vincent, any new stadium will significantly affect the amenity of the area. Even with 50-70% public transport usage (which is a very high target to achieve), it would mean that between 18,000 and 30,000 people would be either walking, bike riding or travelling by vehicle to the new stadium. The concept plan shown in the Interim Report makes no reference to multi-level or underground carparking, however even if these were provided, significant parking, traffic and noise problems can be expected in the surrounding residential areas, particularly Banks Precinct. Therefore, as the adjoining local government, the Town should insist on being fully consulted about the future of this site.

Concern is also expressed that the Taskforce has *"undertaken to review the Government's commitment of the \$25 million at MES to ensure the most effective use of this investment."* The Town should insist that the Government honour its commitment to the upgrade of MES and that the \$25 million allocated in the State Government's budget should remain with this project.

As has been previously reported, building costs are still escalating at approximately 1% per month and any delay in the project will contribute to increased projects costs.

It is recommended that the Mayor and Chief Executive Officer meet as soon as practicable with the Minister for Sport and Recreation concerning Members Equity Stadium and the possible siting of the new major oval stadia on the Power Station land.

**10.1.23 State Administrative Appeals Tribunal Decision Relating to No. 36 Paddington Street, North Perth- Notice of Motion**

<b>Ward:</b>	North	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO0718
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES this report relating to State Administrative Tribunal (SAT) Decision Relating to No. 36 Paddington Street, North Perth; and*
- (ii) *further WRITES to the Western Australian Planning Commission (WAPC) in relation to the matter of Hughan vs Town of Vincent concerning No. 36 Paddington Street, North Perth and advise that the Development Application (approved by SAT) is misconceived as far as the subdivision process is concerned and highlight to the WAPC the contents of paragraph 28 of the SAT decision whereby SAT acknowledges that it did not analyse the application from a strict subdivision perspective.*

**Moved Cr Chester, Seconded Cr Farrell**

*That the recommendation be adopted subject to clause (ii) being amended and new clauses (iii) and (iv) being added as follows:*

- "(ii) *further WRITES to the Western Australian Planning Commission (WAPC) in relation to the matter of Hughan vs Town of Vincent concerning No. 36 Paddington Street, North Perth and advise that;*
  - (a) the Development Application (approved by SAT) is misconceived as far as the subdivision process is concerned and highlight to the WAPC the contents of paragraph 28 of the SAT decision whereby SAT acknowledges that it did not analyse the application from a strict subdivision perspective; and*
  - (b) McLeods Barristers and Solicitors has indicated that it was their view that SAT was arguably incorrect in refusing to entertain the issues relating to the subdivision;*
- (iii) *the Council WRITES to the Minister for Planning and Infrastructure in relation to the matter of Hughan vs Town of Vincent concerning No. 36 Paddington Street, North Perth and advise that:*
  - (a) a Development Application has been approved by the State Administrative Tribunal (SAT) contrary to the advice given by the Western Australian Planning Commission in that SAT does not analyse Development Applications from a strict subdivision perspective; and*
  - (b) McLeods Barristers and Solicitors has indicated that it was their view that SAT was arguably incorrect in refusing to entertain the issues relating to the subdivision.*

- (iv) *the Council WRITES to the State Administrative Tribunal in relation to the matter of Hughan vs Town of Vincent concerning No. 36 Paddington Street and request that it takes into consideration the Residential Design Codes requirements and issues relating to subdivision for strata subdivisions involving grouped dwellings in a battle-axe configuration and common property when determining such development applications''.*

**CARRIED (8-1)**

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

**COUNCIL DECISION ITEM 10.1.23**

*That the Council;*

- (i) *RECEIVES this report relating to State Administrative Tribunal (SAT) Decision Relating to No. 36 Paddington Street, North Perth; and*
- (ii) *further WRITES to the Western Australian Planning Commission (WAPC) in relation to the matter of Hughan vs Town of Vincent concerning No. 36 Paddington Street, North Perth and advise that:*
- (a) *the Development Application (approved by SAT) is misconceived as far as the subdivision process is concerned and highlight to the WAPC the contents of paragraph 28 of the SAT decision whereby SAT acknowledges that it did not analyse the application from a strict subdivision perspective; and*
- (b) *McLeods Barristers and Solicitors has indicated that it was their view that SAT was arguably incorrect in refusing to entertain the issues relating to the subdivision;*
- (iii) *the Council WRITES to the Minister for Planning and Infrastructure in relation to the matter of Hughan vs Town of Vincent concerning No.36 Paddington Street, North Perth and advise that:*
- (a) *a Development Application has been approved by the State Administrative Tribunal (SAT) contrary to the advice given by the Western Australian Planning Commission in that SAT does not analyse Development Applications from a strict subdivision perspective; and*
- (b) *McLeods Barristers and Solicitors has indicated that it was their view that SAT was arguably incorrect in refusing to entertain the issues relating to the subdivision; and*
- (iv) *the Council WRITES to the State Administrative Tribunal in relation to the matter of Hughan vs Town of Vincent concerning No. 36 Paddington Street and request that it takes into consideration the Residential Design Codes requirements and issues relating to subdivision for strata subdivisions involving grouped dwellings in a battle-axe configuration and common property when determining such development applications.*

**PURPOSE OF REPORT:**

This report responds to a resolution of the Council to write to the State Administrative Tribunal (SAT) and McLeods Barristers and Solicitors, as detailed in a Notice of Motion by Councillor Chester at the Ordinary Meeting of Council held on 28 March 2006.

**BACKGROUND:**

At the Ordinary Meeting of Council held on the 14 March 2006 it was resolved:

*"That;*

- (i) the Information Bulletin dated 14 March 2006 as distributed with the Agenda, be received; and*
- (ii) the Council WRITES to the Western Australian Planning Commission to express concern that in the matter of Hughan vs Town of Vincent concerning 36 Paddington Street, North Perth the State Administrative Tribunal has remained silent in its consideration of the proposed subdivision and its non compliance with the requirements of either grouped or battle axe subdivision and state that the Town is in receipt of legal opinion that substantiates the Town's view and a Ministerial letter that states the Town is within its rights to refuse such a non complying subdivision."*

At the Ordinary Meeting of Council held on the 28 March 2006 it was resolved:

*"That the Council;*

- (i) in the matter regarding Hughan v Town of Vincent – Reasons for Decision – State Administrative Tribunal – Matter No. DR 536 of 2005 and the appeal concerning the development application for No. 36 (Lot 500) Paddington Street, North Perth – Proposed Additions, Alterations and Additional Two-Storey Grouped Dwelling to Existing Single House, AUTHORISES the Chief Executive Officer to urgently write to the President of the State Administrative Appeals Tribunal to seek clarification on the SAT's decision and express concern that the State Administrative Tribunal has remained silent in its consideration of the proposed subdivision and its non compliance with the requirements of either grouped or battle axe subdivision and state that the Town is in receipt of a legal opinion that substantiates the Town's view and a Ministerial letter that states the Town is within its rights to refuse such a non complying subdivision; and*
- (ii) expediently take the appropriate steps so as to write to McLeods Barristers and Solicitors regarding their letter to Mr Surace dated 10 January 2006 to clarify their opinion (and particularly Section 5 of their letter) regarding the legal status of group dwelling subdivisions that are configured as battle-axed subdivisions where the common property does not provide vehicular access to all lots with particular reference to the SAT approved development at No 36 Paddington Street, North Perth."*

**DETAILS:**

A copy of the responses from the State Administrative Tribunal dated 26 April 2006 and McLeod's Barristers and Solicitors dated 9 May 2006 has been attached for the Council's consideration.

**CONSULTATION/ADVERTISING:**

Not required.

**LEGAL/POLICY:**

TPS 1 and associated Policies, Residential Design Codes (R Codes) and State Administrative Tribunal Act 2004.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The legal advice from McLeods Barristers and Solicitors cost \$330 (inclusive of GST).

**COMMENTS:**

In summary, SAT maintains that the subject application for review was treated independently of the subdivision approval and hence, the Tribunal was not 'silent' in relation to its consideration of the review application but considered the argument relating to the creation of 'common property lot' was not pertinent to the subject application for review. Notwithstanding this, the Tribunal recognises the issues which appear to underlie the Town's concerns, namely the 'split planning system' in Western Australia and will endeavour to facilitate discussions in relation to this issue through its Development and Resources Consultation Forum.

The advice from McLeods Barristers and Solicitors, in summary, disagrees with the above SAT response, indicating that SAT in their view was arguably incorrect in refusing to entertain the issues relating to the subdivision. Notwithstanding this, it is important to note that McLeod's Barristers and Solicitors has also ascertained that a 'grouped dwelling' subdivision with a battleaxe configuration does not become "illegal" simply as a result of the fact that the battleaxe leg is not to be used by the front lot owner.

The Town has not received any response from the Western Australian Planning Commission to the letter sent to them from the Town dated 4 April 2006, in accordance with the Council's Resolution at the Ordinary Meeting held on 14 March 2006 and that the survey strata subdivision reference number 937-05 be refused on the basis that it does not comply with the requirements of grouped or battleaxe subdivision.

Preliminary advice from Mullins Hancock Lawyers suggest that as the subdivision has not yet been approved, SAT could not be accused of not 'fitting' the development application into the subdivision approval and, as such, the SAT has made no error that is appealable to the Supreme Court at this point. It was also suggested that the Town take its arguments to the WAPC in that the Development Application is misconceived as far as the subdivision process is concerned and highlight to WAPC the contents of paragraph 28 of the SAT decision, whereby SAT acknowledges that it did not analyse the application from a strict subdivision perspective.

In light of this, it is recommended that the Council receives this report and that the Town further writes to the WAPC advising them of the above, as per Mullins Hancock Lawyers advice.

**10.1.4 No. 116 (Lot: 879) West Parade, Mount Lawley - Proposed Demolition of Existing Footbridge and Addition of New Footbridge to Existing Railway Terminal**

<b>Ward:</b>	South	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO0109; 5.2006.185.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Phillis		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission of the application submitted by Woodhead International on behalf of the owner Public Transport Authority of WA for proposed Addition of New Footbridge to Existing Railway Terminal, at No. 116 (Lot: 879) West Parade, Mount Lawley, and as shown on plans stamp-dated 24 April 2006, subject to the following conditions:*

- (i) that the existing overpass, excluding the ramp within the middle (Island Platform), be retained and upgraded in accordance with the Building Code of Australia;*
- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the East Parade 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);*
- (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 (\$8,000,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$80,000, 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) 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;*
- (v) 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; and*
- (vi) measures being taken to the satisfaction of the Town to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.*

**Moved Cr Farrell, Seconded Cr Messina**

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

*"(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;"~~*

Cr Doran-Wu departed the Chamber at 9.53pm.

**CARRIED (8-0)**

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

**COUNCIL DECISION ITEM 10.1.4**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission of the application submitted by Woodhead International on behalf of the owner Public Transport Authority of WA for proposed Addition of New Footbridge to Existing Railway Terminal, at No. 116 (Lot: 879) West Parade, Mount Lawley, and as shown on plans stamp-dated 24 April 2006, subject to the following conditions:*

- (i) that the existing overpass, excluding the ramp within the middle (Island Platform), be retained and upgraded in accordance with the Building Code of Australia;*
- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the East Parade 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);*
- (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 (\$8,000,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$80,000, 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) all external fixtures, such as radio and other antennas, satellite dishes, solar panels, 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;*
- (v) 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; and*

- (vi) *measures being taken to the satisfaction of the Town to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.*

#### **ADDITIONAL INFORMATION**

The following additional information was submitted to the Town's Technical Services Executive Manager by Bill Anderson, Project Manager Perth Transport Authority by email on 12 June 2006 as below: -

*"There are a few corrections to the text that should be noted. I have also added a couple of observations for your information: -*

#### **DETAILS:**

*2<sup>nd</sup> dot point – Access through the PTA centre will only be available during PTA Centre operating hours. Out of hours access will be via a new path around the southern end of the building leading to the West Parade ramp.*

*3<sup>rd</sup> dot point – The 100 metre long platform will be relocated 50 metres to the north.*

#### **PROPOSED REMOVAL OF EXISTING OVERPASS:**

*2<sup>nd</sup> paragraph – The new overpass will be wider than the existing bridge and enclosed from the elements, being serviced by lifts and stairs, with improved lighting and CCTV surveillance. This will improve levels of amenity and safety for residents wishing to cross from one side of the railway line to the other. It should also be noted that a cyclist wishing to cross at this point may utilise the lift services rather than pushing their cycle for the length of the existing ramps. It is not permitted to ride a bicycle within the station precinct, which includes the existing bridge and ramps.*

#### **TOWNS RESPONSE TO THE REMOVAL OF EXISTING OVERPASS:**

*2<sup>ND</sup> paragraph – It is not necessary to pass through the PTA centre as alternative access is provided around the southern end of the PTA Centre. In after hours situations, the new overpass will provide a much safer and secure means of access, monitored by the PTA Centre security guards.*

*3<sup>rd</sup> and 4<sup>th</sup> paragraphs – There is no need to separate rail passengers from other overpass users. Unfortunately, the retention of the existing bridge structure will prevent the completion of the new station landscaping proposals.*

#### **OFFICER RECOMMENDATION:**

*Item (i) – The proposal to retain and upgrade the existing overpass in accordance with the Building Code of Australia would involve reconfiguring the ramps and the balustrading and also involve special bracing to stabilise the structure laterally. The associated costs would be substantial and are unfunded."*

#### **COMMENTS**

The suggestion to retain the existing pedestrian overpass, to operate in tandem with the new overpass, was raised as it is considered that casual recreational users, pedestrians and cyclists, wishing to cross the railway line would prefer an uncomplicated and more direct route than the proposed. Further it is doubted that cyclists would use the lifts and enclosed overpass, as suggested, in preference to the existing pedestrian overpass, irrespective of the ramp lengths and not being allowed to ride across it.

Therefore on the above basis, it is recommended that condition (i) remain. Other matters stated in the email have been noted.

<b>Landowner:</b>	Public Transport Authority of WA
<b>Applicant:</b>	Woodhead International
<b>Zoning:</b>	Metropolitan Region Scheme (MRS): Reserves - Railways Town Planning Scheme No.1 (TPS 1): N/a
<b>Existing Land Use:</b>	Railway Terminal (Unlisted Use)
<b>Use Class:</b>	Railway Terminal (Unlisted Use)
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	127926 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

The proposed development is on land reserved under the Metropolitan Region Scheme for Railways and, therefore, in accordance with the Metropolitan Region Scheme, the subject application requires determination by the Western Australian Planning Commission (WAPC).

- 8 June 2004                      The Town under delegated authority, advised the WAPC that it has no objection to proposed alterations and additions to the existing railway terminal, subject to conditions.
- 26 August 2004                The Western Australian Planning Commission approved alterations and additions to the terminal.
- 18 January 2005                The Town of Vincent at the Ordinary Meeting of Council advised the WAPC that it has no objections to a hoarding sign and landscaping to the existing railway terminal site, subject to the sign fully complying with the Town's Policy relating to Signs and Advertising and standard conditions.

**DETAILS:**

The proposal involves the following: -

- A singular pedestrian footbridge (2.5 metres wide internally) to provide a direct link from the existing Public Transport Centre to a middle platform, which services suburban trains and further on to the car park area adjacent to East Parade;
- 24 hour access through the building via the overpass;
- Extension of existing centre platform from 50 metres to 100 metres;
- Removal of portion of platform in vicinity of existing footbridge;
- Removal of existing footbridge;
- Removal of existing platform shelter in vicinity of existing footbridge;
- Associated infrastructure (that is, 3 x new stairwells, 3 x new lift shafts, new canopy shelter); and
- New "drop-off and ride" point in eastern car park (includes the removal of 18 car bays);

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted.
<b>Consultation Submissions</b>			
The application was not advertised for comment so as to minimise processing time in which to respond to the Western Australian Planning Commission, who will be the determining Authority on the proposal. The proposal is also being referred to the Council for determination.			
<b>Other Implications</b>			
Legal/Policy		TPS 1 and associated Policies.	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

**Comments:**

Proposed Removal of Existing Overpass

PTA's consultants advised that the existing structure does not comply with current standards in respect of ramp grades and height of the balustrade. Further, a structural assessment would be required to see if the ramps to the suburban rail platform could be removed without substantial bracing modifications to the structure. PTA argues that as the existing overpass is an aging infrastructure, it is a long term maintenance and liability issue, hence it is proposed to be removed.

Further, PTA's consultants highlighted alternative routes such as the Mt Lawley subway, the Graham Farmer Freeway shared path via Claisebrook Road, and possible future Summers Street Bridge over East Parade to the Future East Perth Power Station Redevelopment Site. However, neither of the existing options is particularly practical for pedestrians nor cyclists and would result in a loss of amenity for residents either side of the railway reserve.

Town's Response to the Removal of Existing Overpass

As part of the redevelopment, the Public Transport Authorities (PTA) intends to remove the existing pedestrian overpass south of the PTA Centre, which links East Parade to the suburban rail network platform, the intra and interstate platform, the car parking areas and West Parade.

Technical Services requested that PTA consider retaining the overpass for the benefit of local residents and cyclist's. Under the current proposal, the aforementioned groups would be required to use either the lift or stairs, servicing the new suburban network platform, and pass through the PTA Centre. Albeit the proposed overpass being accessible 24 hours per day, it was considered that many cyclists, and pedestrians, would prefer to use the open overpass with its ramp access, particularly in after hour periods.

As the suburban network rail platform is to shifted north, the access ramps to the existing overpass would become redundant and, therefore, the removal of the ramps leading to the platform is supported, subject to the retention of the remainder of the structure to provide a link between East Parade and PTA's Centre car park and West Parade, thereby separating rail passengers and other users.

Therefore, while the PTA's position is acknowledged, it is recommended that the Town seek to have the existing pedestrian overpass retained until such time as the Summers Street Bridge is constructed or alternative crossing points are installed.

#### Heritage Comments

The place at No.116 West Parade, Mount Lawley is on the Town's Municipal Heritage Inventory with a Category B - Conservation Recommended listing. The place, which was built in the Late Twentieth Century Brutalist style of architecture in 1976, is known as the Westrail Centre and is the interstate passenger terminal for train travel and is the administration headquarters for Westrail Company. The centre comprises a large five storey office block, a railway platform that is covered for its whole length and a footbridge, which links the platforms and the Westrail Centre with the adjoining East Perth suburban railway station.

It is understood that the works will be undertaken along the eastern side of the main Westrail building and involve the removal of the existing steel and timber pedestrian footbridge, the construction of a new pedestrian footbridge and associated platform shelters and the increase in the length of the middle platform. Currently, the existing footbridge is disconnected from the main Westrail building and comprises of a steel frame and a timber board ramp, which is covered in bitumen. The footbridge is located approximately 57 meters from the south east corner of the Westrail building. The Heritage Officers have no objection to the removal of this footbridge and recognise the need for the construction of an enclosed platform, which both visually and physically connects to the main Westrail building.

The design of the new enclosed footbridge is contemporary in nature and relates to the original building in terms of bulk and form. It is noted that the connection of the footbridge to the Westrail Centre involves the removal of a portion of the canopy, which covers the concourse. However, apart from this, there appears to be minimal intervention to the original fabric. The existing Westrail building is noted for its unusual use of passive solar designed angled vertical piers over its windows. This theme of solar design has been carried through into the form of the new pedestrian footbridge, which has incorporated the use of photovoltaic cells in its design.

It is considered that the new footbridge will improve the interaction and the visual connection between the main Westrail building and the rail platforms. In light of the above, the Heritage Officers have no objection to the proposed new design of the pedestrian crossover at No.116 West Parade, Mount Lawley. It is requested that a schedule of materials and finishes for the new pedestrian crossover be submitted and approved prior to the issuing of a Building Licence.

#### **COMMENTS**

In light of the above, it is recommended that the proposal be supported, subject to conditions.

**10.2.2 Swan River Regional Recreational Path Associated Landscaping – Banks Reserve to Bardon Park**

<b>Ward:</b>	South	<b>Date:</b>	5 June 2006
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	TES0172 & RES0008
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J. Van den Bok; R. Lotznicker		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report in relation to the proposed landscaping along the Swan River Regional Recreational Path;*
- (ii) *APPROVES in principle the proposed landscape concept plan as shown on the attached plan at appendix 10.2.1 for the section of the path between Banks Reserve and Mitchell Street, Mount Lawley;*
- (iii) *ADVISES the Department of Planning and Infrastructure (DPI) that;*
  - (a) *the Town's preference is for DPI to undertake the landscaping works along the River Foreshore;*
  - (b) *the Town's preference is for DPI to administer the consultation process regarding the proposed landscaping component of the project which is to include the local community and the Banks Precinct Action Group;*
  - (c) *if required the Town could assist in providing staff at an information session at Banks Reserve, to provide advice and answer any questions regarding the proposal in conjunction with DPI;*
  - (d) *upon completion of the landscaping works, the Town is to receive a management plan and maintenance program prior to the new area being formally handed over to the Town for ongoing maintenance; and*
  - (e) *local community groups have expressed an interest in being involved in the planting of the area and are able to assist through liaison with the Town;*
- (iv) *RECEIVES a further report on the progress of the landscaping works following the conclusion of the consultation period and proposed works schedule being prepared by DPI; and*
- (v) *ADVISES the Banks Precinct Action Group and the Claise Brook Catchment Group of its decision.*

Cr Doran-Wu returned to the Chamber at 9.55pm.

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted subject to new clauses (iii)(f), (vi) and (vii) being added as follows:*

- “(iii) (f) *the Town will negotiate an annual grant with the Western Australian Planning Commission to subsidise the cost of ongoing maintenance of the foreshore reserve area prior to the Town formally accepting responsibility for the ongoing maintenance of this area;*
- (vi) *NOTES the information contained in the further report, namely that due to the presence of a High Pressure gas main and unsuitable soil conditions the screen wall as originally proposed, and previously supported by the Town, cannot be constructed on the western side of the southern boardwalk; and*
- (vii) **REQUESTS**
- (a) *the Department for Planning and Infrastructure to proceed with the installation of an alternative structure, to provide appropriate screening or other approved structure to address the affected residents concerns to the satisfaction of the affected residents and the Town; and*
- (b) *that no works on the proposed screening/structure be carried out until the Town and the residents approval has been obtained.”*

Debate ensued.

**CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.2.2**

*That the Council;*

- (i) **RECEIVES** *the report in relation to the proposed landscaping along the Swan River Regional Recreational Path;*
- (ii) **APPROVES** *in principle the proposed landscape concept plan as shown on the attached plan at appendix 10.2.1 for the section of the path between Banks Reserve and Mitchell Street, Mount Lawley;*
- (iii) **ADVISES** *the Department of Planning and Infrastructure (DPI) that;*
- (a) *the Town’s preference is for DPI to undertake the landscaping works along the River Foreshore;*
- (b) *the Town’s preference is for DPI to administer the consultation process regarding the proposed landscaping component of the project which is to include the local community and the Banks Precinct Action Group;*

- (c) *if required the Town could assist in providing staff at an information session at Banks Reserve, to provide advice and answer any questions regarding the proposal in conjunction with DPI;*
- (d) *upon completion of the landscaping works, the Town is to receive a management plan and maintenance program prior to the new area being formally handed over to the Town for ongoing maintenance;*
- (e) *local community groups have expressed an interest in being involved in the planting of the area and are able to assist through liaison with the Town; and*
- (f) *the Town will negotiate an annual grant with the Western Australian Planning Commission to subsidise the cost of ongoing maintenance of the foreshore reserve area prior to the Town formally accepting responsibility for the ongoing maintenance of this area;*
- (iv) **RECEIVES** *a further report on the progress of the landscaping works following the conclusion of the consultation period and proposed works schedule being prepared by DPI;*
- (v) **ADVISES** *the Banks Precinct Action Group and the Claise Brook Catchment Group of its decision;*
- (vi) **NOTES** *the information contained in the further report, namely that due to the presence of a High Pressure gas main and unsuitable soil conditions the screen wall as originally proposed, and previously supported by the Town, cannot be constructed on the western side of the southern boardwalk; and*
- (vii) **REQUESTS**
  - (a) *the Department for Planning and Infrastructure to proceed with the installation of an alternative structure, to provide appropriate screening or other approved structure to address the affected residents concerns to the satisfaction of the affected residents and the Town; and*
  - (b) *that no works on the proposed screening/structure be carried out until the Town and the residents approval has been obtained.*

**ADDITIONAL INFORMATION:**

A previous report on the Swan River foreshore Recreation Path was presented to the Council at its ordinary meeting held on 9 March 2004 where the Council supported the implementation of Option 6 and decided to advise the Department for Planning and Infrastructure to liaise closely with all affected residents and with the Town's officers with regard to the built form of the proposed board walks and associated infrastructure

A significant detail of the preferred option 6 comprised two sections of boardwalk which would skirt the western edges of two former clay pits with the deck level of the boardwalk closest to a number of residences proposed to be some 3 to 4 metres below the existing ground level of the existing houses at the nearest point.

In addition, some form of wall was proposed to the west of the proposed boardwalk for screening and security. The cross section detail outlining the proposed boardwalk and associated retaining wall (presented to the Council at the time) was conceptual only and the Council was advised that this would be further refined and detailed when the 'route' had been given the 'green light'.

In May 2006 officers advised DPI that they had received several calls from residents who resided adjacent to the bridges currently under construction. The residents were enquiring as to what type of screen was being proposed in this area and whether the wall or screen as originally indicated on the plans was to be installed

The Town's officers subsequently contacted DPI and were advised that Alinta had not approved the erection of the necessary support piles along the designed alignment of the screen wall as there was potential for the pipeline to rupture as a result of the proposed pile driving.

DPI subsequently advised that other options for the wall location had been examined however there was no alternative viable wall option.

A meeting was subsequently held on site with residents, DPI and the Town where it was reiterated that the Town approved the project on the proviso that a screen of some sort would be installed and that this component of the project must be implemented. The residents were fully supportive of this position.

The following email was received from DPI on 12 June 2006

*As you are aware DPI and Connell Wagner has been actively investigating solutions to the screen wall issue. It has been determined that, as the only practical solution to overcome the various site problems, a 40-metre length of screen barrier should be erected on the bridges directly in front in front of the affected residences – refer Appendix 10.2.2A.*

*The recommended proposal for the visual screen wall is indicated in the attached sketch, and is based on a RHS or CHS frames attached to the bridge kerbs between the balustrade verticals at spacings to be determined. The screen sheeting would be attached to the western side of the framework, extending from 1.0 m to 2.7 m above deck level, and partly along the 'roof' to a point where screening is no longer required.*

*To expedite the design and construction of the screen wall, thus minimising inconvenience to nearby residents, could you please indicate if the proposal is acceptable to the Town of Vincent, as a matter of urgency.*

*If immediate approval is received, it has been estimated that the design of the proposed structure may be ready in two to three weeks. This being so, construction may be undertaken in July/August 2006. For the interim, I have organised a temporary fence to restrict entry to the residential property's from the bridges be installed.*

## COMMENT

It should be noted that the screening as proposed by DPI has resulted from discussions with the Town's officers and the designers of the board walks following representation from some residents that the project would not be implemented as originally approved.

While it is considered that the proposed alternative screening (*given the site constraints*) may cause a 'visual blight' (*the mesh is similar to that used on overpasses and bridges some examples of which are shown on the attached photos*) the desire from a number of adjoining residents for is that some form of screening is required.

Therefore as several residents have expressed their support for the proposal and given that the Town previously supported the project with a screen wall at this location, it is considered that the Council should support the alternative screening albeit subject to the affected residents concurrence with this proposal.

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the recent letter and attached landscape concept plans received from the Department for Planning and infrastructure (DPI) and seek approval for DPI to proceed with the community consultation and landscaping phase of the Swan River Regional Recreational Path project in liaison with the Town.

**BACKGROUND:**

At its Ordinary Meeting held on the 9 March 2004 the Council considered a report on the works associated with the Swan River Regional Recreational Path where the following decision (in part) was made:

*That the Council;*

- (iv) *SUPPORTS Option 6 ..... which, is considered to provide the best overall solution addressing safety, security and environmental impact;*
- (v) *in the event that Option 6 ..... is approved by the Swan River Trust and the Department for Environmental Protection, Council will support detailed design of the Option with a view to implementation and further requests that the Department for Planning and Infrastructure:*
  - (a) *liaises closely with all affected residents;*
  - (b) *liaises closely with the Town's officers with regard to the built form of the proposed board walks and associated infrastructure to ensure that materials used are sympathetic to the surrounding landscape and to ensure that the visual, environmental and construction impact of the project is kept to an absolute minimum;*
  - (e) *upon completion of the project carries out a full environmental rehabilitation program in liaison with and to the satisfaction of the Town prior to the new infrastructure being handed over to the Town;*

**DETAILS:**

**Construction Works**

Works Infrastructure being the successful contractor engaged by the DPI commenced site works in August 2005. Due to health and safety concerns the contractor requested that the area of the service road and carpark at Banks Reserve be fenced off during the construction phase of the project. Concerns were raised due to the large equipment required and size of materials being delivered to the site (bridge spans) etc, that may damage and cause potential injury should this area be left open.

Given the potential risk, this proposal albeit somewhat reluctantly, was agreed to subject to the contractor constructing a temporary limestone path from the bridge over Walters Brook providing access to Joel Terrace. In addition it was requested that upon completion of the project the carpark and storage area be reinstated or resurfaced to the Town's satisfaction.

The project was expected to be completed by February 2006 however due to delays caused initially with the lack of availability of asphalt and subsequently with the construction and settlement issues concerning the board walk spans the tentative completion date is now likely to be extended to the end of June 2006.

During the construction phase the Town's officers have been liaising closely with the contractor and DPI representatives and have met on numerous occasions with residents to discuss the project and attempt to resolve issues where they have arisen.

However given the sensitivity of the area and the difficult access, generally, the project has been largely completed without too many major adverse issues.

### **Landscaping Works**

DPI engaged environmental consultants, Ecoscape in early 2006 to produce a landscape concept plan for the river foreshore abutting the Swan River Regional Recreational Path.

The Towns Officers have met and worked closely with DPI and the landscape architect regarding the plan, providing various comments with regards the removal of exotic vegetation, retention of existing jetties and planting of local indigenous species.

In April 2006 the Town's Officers advised DPI they were satisfied with the progress of the concept plan and provided the following comments:

- The use of local native plant to achieve the species diversity that the area would have originally supported.
- Species types to relate to localised soil conditions (i.e. boggy/dryland areas)
- To maintain species diversity along the saltwater/freshwater interface.
- The removal of any vegetation undertaken around existing water bodies to be completed carefully
- DPI to provide management plan /maintenance program to the Town
- DPI to provide schedule of works (as the planting is proposed to be staged over a number of years)
- The existing jetties are to be retained upon confirmation of their structural integrity

A letter and final landscape plans (refer attached) were subsequently received from the DPI in May 2006 advising that it would be necessary to undertake community consultation and requesting the Town's assistance in implementing the landscaping.

In addition, DPI advised that the Western Australia Planning Commission (WAPC) administers a grants scheme that allocates funding to local governments to undertake landscape/development works in return for the local government's agreement to accept the transfer of land from the Crown for vesting in the Council.

### **Officers Comments**

#### Community Consultation

Officers have met with DPI and advised that in view that the project covers two (2) local government areas and previous consultation had been undertaken in regard to the overall project the DPI should coordinate the community consultation for the landscape proposal.

Officers have advised DPI that the Town could assist in providing the scope of the consultation and which community groups to consult. We would also offer to have staff available at an information session on possibly a Saturday morning at Banks Reserve, to provide advice and answer any questions regarding the proposal in conjunction with DPI if required.

On ground works / AAGS Grant funding

Due to the extent of the project and likely ongoing maintenance issues for the first few years after the planting has taken place, officers are of the opinion that the Town should 'not' accept the potential offer being made available by DPI for the Town to develop the site 'in house' under AAGS grant funding.

The majority of works would have to be contracted out due to limited staff numbers and current maintenance requirements of the existing Parks and Garden facilities. As indicated above, given the large area involved and the existing weed problem, it is likely that maintenance costs over the first year or two of the project would be significant with the ongoing weed management and plant (vegetation) replacements required.

The Town and local community groups such as the Banks Precinct Action Group and Claise Brook Catchment Group have expressed a willingness to be involved in planting out this area. This idea has previously been conveyed to the DPI and it is anticipated that some of the planting could be arranged in conjunction with National Tree Day or Arbour Day etc.

**CONSULTATION/ADVERTISING:**

As outlined in the report, DPI in liaison with the Town will undertake consultation with the local community in regard to the landscaping of the river foreshore area.

**LEGAL/POLICY:**

The project is required to comply with various State and Federal Acts, however the Town has had little involvement as these issues and subsequent approvals for the project to proceed, have been handled by DPI.

**STRATEGIC IMPLICATIONS:**

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

*"c) Enhance and protect our natural environment, improve natural habitats, increase biodiversity in parks, reserves, wetlands and river foreshore areas, link Greenways of vegetation, enhance the Significant Trees Inventory to encourage their protection and increase and promote use of local native vegetation, by Council and residents."*

**FINANCIAL/BUDGET IMPLICATIONS:**

No funds are allocated for this project. All current and proposed capital improvement works are and will be funded by DPI. Following the completion of the works and subsequent handing over to the Town (following the conclusion of an agreed maintenance period) funds to maintain the Public Open Space will need to be included in the Town's annual operating budget

**COMMENTS:**

The wider community has been anticipating the completion of this project since its commencement in August 2005. As indicated in previous reports this section of path provides a more direct and aesthetically pleasing route for cyclists and other recreational users from Maylands through Banks Reserve and into the City of Perth.

The works completed to date have not been without some controversy and delay however, the majority of issues have (or currently are) been resolved and the Town's officers in liaison with officers from DPI are continuing to assess the progress of the works to ensure that local residents are not adversely affected and the project is completed as soon as practicable.

It is therefore recommended that the Council approves the landscape concept plan and advises DPI to progress with the project as detailed in the officer's recommendation.

At 10.04pm **Moved** Cr Farrell, **Seconded** Cr Chester

*That due to the lateness of the hour remaining Items 10.1.6, 10.1.9, 10.1.13, 10.1.14, 10.1.21, 10.1.22, 10.2.7, 10.3.1, 10.3.3, 10.4.4 and 10.4.5 be DEFERRED to a Special Meeting of Council to be held on 20 June 2006, at a time to be determined by the Mayor.*

**CARRIED 9-0**

**Due to the lateness of the hour,  
this Item was not considered or determined.**

**10.1.6 No. 27 (Lot: 43 D/P: 1661) Kadina Street, North Perth - Proposed Two (2) Three (3) Storey Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Charles Centre - P7	<b>File Ref:</b>	PRO2082; 5.2005.3355.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Brooke Phillis		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Roberts on behalf of the owner A & L Roberts for proposed Two (2) Three (3) Storey Grouped Dwellings, at No. 27 (LOT: 43 D/P: 1661) Kadina Street, North Perth, and as shown on plans stamp-dated 22 December 2005, subject to the following conditions:*

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) that complies with the Town's 'The Village - North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines' shall be submitted and approved prior to the issue of a Building Licence. Dark tinted or reflective glass shall not be permitted;*
- (ii) first obtaining the consent of the owners of Nos. 25 and 31 Kadina Street, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west where applicable in a good and clean condition;*
- (iii) any new street/front wall, fence and gate between the Kadina Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- (iv) *prior to the occupation of the development, light(s) shall be provided to the rear right of way which is to comply with relevant standards and is to be illuminated during times of darkness and is to be maintained by the property owners. Details of the lighting onto the rear right of way shall be submitted to and approved prior to the issue of a Building Licence;*
- (v) *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;*
- (vi) *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;*
- (vii) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence;*
- (viii) *a report detailing any necessary remedial measures to rectify any unsuitable soil and/or ground water contamination of the subject site to the satisfaction of the Town shall be submitted and approved prior to the issue of a Building Licence. All such measures and works shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense; and*
- (ix) *the sections of the loft with a ceiling height of less than 2.4 metres shall not be used for habitable purposes.*

<b>Landowner:</b>	A and L Roberts
<b>Applicant:</b>	A Roberts
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	362 square metres
<b>Access to Right of Way</b>	South side, 3.0 metres wide, sealed, privately owned.

**BACKGROUND:**

7 August 2002 An identical application for two (2) three-storey grouped dwellings was conditionally approved for the above site under Delegated Authority.

**DETAILS:**

The proposal involves two, three-storey grouped dwellings with one common wall. Each dwelling is a mirror image of the other and they consist of open-plan living on the ground floor and two bedrooms each on the first floor and open-plan loft on the third floor.

Each dwelling has an outdoor living area between the dwelling and the semi-open rear garages, which can accommodate two vehicles in tandem.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2 dwellings R80	2 dwellings R80	Noted
Plot Ratio	(271 square metres)  <i>OR</i>  0.75	(354 square metres)  <i>OR</i>  0.98	Supported –for the reasons stated in the “Comments” section below.
Visual Privacy	7.5 metres setback within 'Cone of Vision' as per R-Codes Clause 2.8.1 Visual Privacy	South Facing Overlooking into rear yard areas of both subject grouped dwellings.	Supported - as overlooking from south facing balconies affects subject properties only (that is, there is nil overlooking to the east and west adjoining properties due to an existing extensive parapet wall on the western side and walls with no openings for the ground and upper floor on the eastern side.)
<b>Consultation Submissions</b>			
The development was advertised for between 21 April 2006 and 8 May 2006 to affected adjoining owners and a sign was also erected on the site advertising the proposal.			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

## COMMENTS:

### Plot Ratio

The plot ratio variation is supported two-fold. Firstly, identical plans to the subject application were approved on 7 August 2002 and, therefore, the dwellings could have already been constructed. Secondly, *The Village - North Perth (Lots 43 - 45 Kadina Street) Residential Site Design Guidelines (Appendix 4)* (referred to as the *Guidelines*) and the *Charles Centre Precinct Policy* do not fully correlate in terms of development requirements relating to scale and building bulk.

*The Guidelines* promote generously scaled development on the select few identified properties within the *Guidelines*' perimeter. For example, the *Guidelines* allow for nil side setbacks, a 10 metre building height maximum (in lieu of the normal 9 metres), 3 levels (in lieu of the normal 2) and reduced front setbacks (that is, a maximum of 2 metres in lieu of a minimum of 4 metres), all of which allow for a more intensified building outcome.

It is acknowledged that although the 0.75 plot ratio requirement would normally apply to other residential properties within the *Charles Centre Precinct*, it is considered that the subject property should be exempt from that requirement, due to having specific design guidelines applicable to it (which do not have plot ratio requirements).

### Geographical Survey

The subject site is in close proximity to the old City of Perth Refuse Site (that is, to the immediate south of the property), and potentially unstable ground may be present. Conditions requiring that the land be measured for geological stability are recommended so as to identify any associated issues on the site to ensure a safe development.

In light of the above, the proposal is recommended for approval.

**Due to the lateness of the hour,**  
**this Item was not considered or determined.**

**10.1.9 Nos. 65-67 (Lots 111, 112 and 113 STR: 47021) Raglan Road, Corner William Street, Mount Lawley - Proposed Alterations and Additions to Street/Front Fencing to Existing Thirteen (13) Grouped Dwellings (Part Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Norfolk Precinct; P10	<b>File Ref:</b>	PRO2320; 5.2006.175.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Walsh on behalf of the Owners of the Strata Plan for proposed Alterations and Additions to Street/Front Fencing to Existing Thirteen (13) Grouped Dwellings (Part Application for Retrospective Approval), at Nos. 65-67 (Lots 111, 112 and 113 STR: 47021) Raglan Road, corner William Street, Mount Lawley, and as shown on plans stamp-dated 19 April 2006, subject to the following conditions:*
- (a) *the solid portion of the front fence adjacent to Raglan Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
  - (b) *the solid portion of the corner truncation facing William Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (c) *the gate along William Street is to be 50 per cent visually permeable. Four (4) significant and appropriate design features are to be incorporated along the solid portion of the fence along the William Street frontage; and*
- (ii) *the Council ADVISES the applicant and owners that the above works that form part of clause (i)(a) above shall be completed within twenty eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings should the above works not be completed within this twenty eight (28) days period.*

<b>Landowner:</b>	The Owners of Strata Plan
<b>Applicant:</b>	T Walsh
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Grouped Dwelling
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1781 square metres
<b>Access to Right of Way</b>	Western side, 3.96 metres wide, sealed, resumed and vested in the Town

**BACKGROUND:**

13 April 2004

The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed alterations to existing single house, alterations and additions to existing place of worship buildings to create four (4) single bedroom grouped dwellings and five (5) grouped dwellings and construction of three (3) grouped dwellings, resulting in the development of one (1) single story grouped dwelling, eight (8) two- storey grouped dwellings and four (4) single bedroom two-storey grouped dwellings at the subject property. Condition (v) of the subsequent approval stated the following:

*"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 front fences and gates adjacent to William Street and Raglan Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. 50 percent of the length of the portion of the fences around the private courtyards of units 3, 7, 8 and 9 facing William Street may be solid to a maximum height of 1.8 metres and shall incorporate at least two design features."*

26 April 2005

The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed alterations and additions to street/front fencing to existing thirteen (13) grouped dwellings, subject to the following conditions:

*"(a) the fence adjacent to Raglan Road being modified so that the fence shall not exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences adjacent to Raglan Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*

- (b) *a significant and appropriate design feature being incorporated within each of the solid portions of the wall along William Street, adjacent to Units 3, 7, 8 and 9. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the works being undertaken."*

14 September 2005 The Town's Officers met with Michael Anthony Tayler to discuss a number of issues in relation to the street walls and front fences facing Raglan Road and William Street.

**DETAILS:**

The proposal involves alterations and additions to street/front fencing to existing thirteen (13) grouped dwellings (part application for retrospective approval). The proposal is considered to be part retrospective as an archive search which has since been undertaken, has indicated that the majority of the street wall adjacent to William Street has had Planning Approval, namely the portion of the wall adjacent to Units 7 and 8 and part of Unit 9.

The proposal is being referred to the Council for determination as a result of the applicant's failure to comply with the previous conditions of the approval granted at the Ordinary Meeting of Council on 26 April 2005.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	
Street Walls/Fences (applicable to Raglan Road)	Front walls and fences to be visually permeable above 1.2 metres and a maximum height of 1.8 metres. Decorative capping piers may extend up to a maximum of 2.0 metres.	Fence has a maximum height of 2 metres, no decorative capping is proposed.	Not supported- as this fence is non-compliant with the Town's Policy on Street Walls and Front Fences, and the Town's Non-Variation to Specific Development Requirements Policy.
Street Walls/Fences to District Distributor Road (applicable to William)	Front walls and fences to be a maximum height of 1.8 metres and incorporate at least 2 appropriate design features.	Fence has a maximum height of 1.8 metres and three design features located at regular intervals.	Supported- consistent with the Town's Policy on Street Walls and Front Fences.

<b>Consultation Submissions</b>		
The application was not advertised as it does not involve intensification of the site and the matter is being referred to the Council for determination.		
Support	N/A	Noted
Objection	N/A	Noted
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

\* The 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 fencing adjacent to Raglan Road and William Street is considered acceptable, subject to compliance with Conditions (i) (a), (b) and (c) of the Officer Recommendation.

In light of the above the application is recommended for approval.

**Due to the lateness of the hour,**  
**this Item was not considered or determined.**

**10.1.13 No. 44 (Lot 33 D/P: 31170) Bondi Street, dual frontage to Green Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two - Storey Single Houses with Undercroft Garage**

<b>Ward:</b>	North	<b>Date:</b>	7 June 2006
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO2560; 5.2005.3287.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach, B Phillis		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

***OFFICER RECOMMENDATION:***

***That;***

***in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Murray on behalf of the owner A S Ravi for proposed Demolition of Existing Single House and Construction of Two (2) Two - Storey Single Houses with Undercroft Garage, at No. 44 (Lot 33 D/P: 31170) Bondi Street, dual frontage to Green Street, Mount Hawthorn, and as shown on amended plans stamp-dated 2 June 2006, subject to:***

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;***
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;***
- (iii) any new street/front wall, fence and gate between the Bondi Street and Green 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;***

- (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*
- (f) *the solid portion adjacent to the Green Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (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.*

<b>Landowner:</b>	A S Ravi
<b>Applicant:</b>	J Murray
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	647 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 2 December 2003      The Council at its Ordinary Meeting resolved to refuse an application for proposed demolition of existing single house and construction of two - storey with undercroft garage single house for the following reasons:
1. *Non-compliances as indicated in Compliance Table.*
  2. *Garage door more than 50% of the frontage.*
  3. *Incompatible with the bulk and scale of residential development in the area.*
  4. *Precedent will be created."*
- 10 February 2004      The Council at its Ordinary Meeting resolved to refuse an application for proposed demolition of existing single house and construction of two (2) two - storey with undercroft garage single houses for the same reasons above.
- 22 March 2004      Appeal lodged with the former Town Planning Appeal Tribunal (TPAT) in relation to the above decision.
- 3 August 2004      The above appeal was dismissed by the former TPAT.

**DETAILS:**

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2 dwellings R 30	2 dwellings R 30	Noted- as there is no variation.
Plot Ratio	N/A	N/A	N/A
Ground Floor - West	1.5 metres	1.0-3.195 metres	Supported- as minor variation in this instance, staggering of setbacks, no undue impact and no objections received. Supported- as above.
- East	1.5 metres	1.0-3.195 metres	
First Floor - West	5.5 metres (or 2.3 metres if no major openings)	1.2-4.27 metres	Supported- as there is staggering of setbacks, no undue impact and no objections received. Supported- as above.
- East	5.5 metres(or 2.3 metres if no major openings)	1.2-4.27 metres	
Buildings on Boundaries	One wall built up to boundary is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Internal two storey boundary wall.	Supported- as no undue impact on neighbours or streetscape.
Vehicular Access	To be from secondary street.	Proposed from primary street.	Supported- as vehicular access from Bondi Street is safer due to Green Street being a District Distributor and no undue impact on streetscape.
Site Works	Excavation within 3 metres of the street alignment not exceeding 0.5 metre.	Excavation 0.482 - 0.8 metre on western side and 0.5 - 1.1 metres on eastern side.	Supported- as this is a minor variation, with no impact on the streetscape.
<b>Consultation Submissions</b>			
Support		Nil	Noted.
Objection		Nil	Noted.

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

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

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

## **COMMENTS:**

### **Heritage**

A detailed Heritage Assessment forms part of the attachment.

An application for the demolition of No.44 Bondi Street was presented to the Council at its Ordinary Meeting held on 10 February 2004. At this time, approval for the demolition of the existing dwelling was granted.

The subject place at No. 44 Bondi Street is a brick and tile dwelling constructed in the 1960s. Situated on the northern side of Bondi Street, between Egina and Matlock Streets, the dwelling is positioned on elevated land, with the original fabric of the building mostly intact. While most of the original fixtures and fittings remain in situ and are of interest, it is not considered that these features warrant the retention of the dwelling. The subject dwelling has little historic, scientific, social and aesthetic value, is not rare and is not considered to meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

In light of the above and the planning application being considered to have addressed the previous reasons for refusal, the proposal is recommended for approval, subject to standard conditions.

**Due to the lateness of the hour,  
this Item was not considered or determined.**

**10.1.14 No. 410, Tenancy C, (Lot 62 D/P: 613) William Street, Perth - Proposed Change of Use From Shop and Warehouse to Eating House and Associated Alterations and Additions**

<b>Ward:</b>	South	<b>Date:</b>	6 June 2006
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0869; 5.2006.88.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Cheong on behalf of the owner A & J Huynh for proposed Change of Use From Shop and Warehouse to Eating House and Associated Alterations and Additions, at No. 410, Tenancy C, (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 public floor area of the eating house being limited to 25 square metres, as shown on the plans;*
- (iv) prior to the first occupation of the development, one (1) class 1 or 2 and three (3) 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 \$1,612 for the equivalent value of 0.62 car parking space, 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.*

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

23 May 2006 Council at its Ordinary Meeting granted conditional approval for change of use from shop and warehouse to shop and associated alterations for Tenancy B on the subject property.

**DETAILS:**

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

The proposed eating house will be a noodle house with a maximum of four employees and an expected maximum of ten customers at any one time.

The car parking for this application has been calculated independently of the conditional approval granted by the Council on 23 May 2006 for change of use from shop and warehouse to shop and associated alterations at Tenancy B on the subject property. This is in case the approval for Tenancy B is not progressed.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<b>Consultation Submissions</b>			
Support	<ul style="list-style-type: none"> <li>• Nil</li> </ul>		Noted
Objection (1)	<ul style="list-style-type: none"> <li>• Parking</li> </ul>		Not supported - as addressed in the Officer Recommendation.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

<b>Car Parking - Office Component</b>	
Car Parking Requirement (nearest whole number) -Eating House: 1 car bay per 4.5 square metres of public floor area (proposed 25 square metres) - 5.5 car bays. -Retail/Shop: 1 car bay per 15 square metres of gross floor area (existing 136.43 square metres) - 9 car bays. -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 Total = 19.96 carbay	20 car bays
Apply the adjustment factors <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 50 metres of one or more public car parks in excess of 75 spaces)</li> <li>▪ 0.85 (within 800 metres of a rail station)</li> </ul>	(0.6141)  12.28 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	0.62 car bay
<b>Bicycle Parking</b>	
<u>Retail/Shop:</u> (136.43 square metres of gross floor area) -1 space per 300 square metres of gross floor area for employee/resident. -1 space per 200 square metres for visitor/shopper.	0.45 space (Class 1 or 2)  0.68 space (Class 3)
<u>Eating House:</u> (25 square metres of gross floor area) -1 space per 100 square metres of public floor area for employee/resident. -2 spaces plus 1 space per 100 square metres of public area for visitor/shopper.	0.25 space (Class 1 or 2)  2.25 space (Class 3)
<u>Warehouse:</u> (446.1 square metres of gross floor area) -No requirement.	Nil  Total spaces required: 1 space (Class 1 or 2) 3 spaces (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.

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

## COMMENTS:

### Car Parking

The total public floor area for the proposed eating house will result in a car parking shortfall of 0.62 car bay, 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.

**Due to the lateness of the hour,  
this Item was not considered or determined.**

**10.1.21 Amendment No. 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines**

<b>Ward:</b>	Both	<b>Date:</b>	2 June 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA 0161
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Woodhouse		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the final amended version of the Policy relating to Heritage Management - Development Guidelines, (MHI) as shown in Attachment, 10.1.21, resulting from the advertised version having been reviewed 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 amended version of the Policy relating to Heritage Management - Development Guidelines, as shown in Attachments 10.1.21, in accordance with clause 47 (5) (b) of the Town's Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Heritage Management - Development Guidelines, as shown in Attachment 10.1.21, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

**PURPOSE OF REPORT:**

The purpose of this report is to present to the Council the final amended version of the Policy relating to *Heritage Management - Development Guidelines*, and seek final adoption.

**BACKGROUND:**

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

*That the Council;*

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

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

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

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

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

"ii) B Conservation Recommended

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

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

- *A Heritage Assessment and/or Heritage Impact Statement is to be prepared in the event of a planning application, in which there is clear identification of zones and elements of significance, to determine the opportunities and constraints that are to apply to alteration, adaptation and/or demolition proposals.*

- The Heritage Assessment and/or Heritage Impact Statement will be prepared by the Town of Vincent's Officers at no expense to the owner/applicant.
  - The development proposal should be assessed with close regard for the Heritage Assessment and/or Heritage Impact Statement, and the planning decision is to be consistent with the recommendations of the Heritage Assessment and/or Heritage Impact Statement.
  - The planning decision is to be reflective of the Performance Criteria and Acceptable Development Guidelines provided in this Policy.
  - In the event that a planning application proposes the demolition of two or more heritage places the Town of Vincent may request that the Heritage Assessments and/or Heritage Impact Statements are to be conducted independently by heritage professionals recognised by the Heritage Council of Western Australia."
- (c) clause 4 (i) be amended to read as follows:
- "4) In the event of a development application involving demolition or partial demolition of a heritage listed place the following guidelines are to be applied;
- i) Total demolition of a place in Management Category A and Management Category B will normally be refused by Council except in extraordinary circumstances and where it can be proven that the building is demonstrably unsound. ~~due to fire damage or severe structural problems.~~ The Town of Vincent can at its discretion apply the Policy relating to Heritage Management - Interpretive Signage if deemed appropriate. "
- (iii) ADVERTISES the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
- (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
  - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and
  - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and
- (iv) after the expiry of the period for submissions:
- (a) REVIEWS the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines, having regard to any written submissions; and
  - (b) DETERMINES the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines with or without amendment, to or not to proceed with them.

**DETAILS:**

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

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

It is anticipated that this Policy will facilitate the Council in considering and determining planning applications for places identified as having cultural heritage significance. The Management Categories are designed to provide an effective method to guide proposed works to be conducted and to recommend the level of protection and conservation appropriate for heritage listed properties. It is to be noted that formal Heritage Assessments have not been completed on each of the properties listed and thus further assessment will usually be required, in the event of a planning application being received for a heritage listed place.

**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. The subject Policy was advertised accordingly.

No submissions were received during the comment period.

**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:

*"1.2 Recognise the value of heritage in providing a sense of place and identity".*

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

During the consultation period a letter was received by the Chief Executive Officer from one of the Town's Elected Members outlining several concerns regarding the subject Policy - *Heritage Management - Development Guidelines*. The first concern raised in the letter was in relation to a lack of distinction between Management Category A - Conservation Essential and Management Category B - Conservation Recommended. With regard to this concern, a sentence has been inserted to Clause 3 of the Policy to qualify that the 'statement of significance' forms the basis to the allocation of a Management Category.

A second concern raised was in relation to the perceived costs incurred in relation to preparing Conservation Plans. A Conservation Plan is a detailed document, combining both the heritage significance of the place and recommended development policies. Done professionally with expert advice in the fields of architecture, history and heritage, Conservation Plans can range from \$1,500 to \$15,000 depending on the nature of the heritage place being assessed. Conservation Plans are usually only conducted on places of high cultural heritage value, usually reserved for those places listed on State Register of Heritage Places. In most instances, the preparation of a Conservation Plan is funded through grants from the Heritage Council of Western Australia. Considering these costs, the subject Policy has been amended accordingly, so that a Conservation Plan is only conducted on rare occasions at the Council's discretion and, in all other instances, Heritage Assessments and/or Heritage Impact Statements are conducted by the Town at no additional expense to the owner. These changes are outlined in Clause 3 (i) of the subject Policy.

A third concern was raised in relation to the wording of when Heritage Assessments, Heritage Impact Statements and Conservation Plans were to be prepared, and by whom. The Officers consider that this need not be altered in the Policy. In most instances, as the Policy outlines, the Officers will prepare the Heritage Assessments and/or Heritage Impact Statement. However, the Officers consider it important that this is left open to the option that on the rare occasion, it would be in the best interests of the owner of the heritage listed place and the Town that a Heritage Assessment, Heritage Impact Statement or, if the case may be, a Conservation Plan is prepared by external professionals.

A fourth concern was raised in relation to Clause 4 (i) of the subject Policy, in relation to approving demolition when a building is 'demonstrably unsound', noting that this may encourage 'demolition through neglect' or deliberate action. Clause 4 (i) of the subject Policy has been amended accordingly to address this concern.

Clause 6 of the subject Policy has been removed, on the recommendation that the information is adequately covered in *Heritage Policy No. 3.6.5 Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI)*.

In light of the above, it is recommended that the Council receives, adopts and advertises the final amended version with the minor amendments outlined above, of the new Policy, in line with the Officer Recommendation.

**Due to the lateness of the hour,  
this Item was not considered or determined.**

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

<b>Ward:</b>	Both	<b>Date:</b>	2 June 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA 0161
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Woodhouse		
<b>Checked/Endorsed by:</b>	R Rasiah R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the final amended version of the Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) as shown in Attachment, 10.1.22, resulting from the advertised version having been reviewed 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 amended version of the Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), as shown in Attachments 10.1.22, in accordance with clause 47 (5) (b) of the Town's Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), as shown in Attachment 10.1.22, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

**PURPOSE OF REPORT:**

The purpose of this report is to present to the Council the final amended version of the Policy relating to *Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory*, 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 March 2006 resolved the following:

*That the Council;*

- (i) *RECEIVES the Amended Policy No. 3.6.5 Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), as shown in Attachment 10.1.16;*
- (ii) *ADOPTS the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), to be applied in the interim until the formal adoption of the Amended Policy, subject to the Policy being amended as follows;*

- (a) *clause 3 (ii) be amended to read as follows:*
- "ii) Before resolving to adopt the recommendations of the Town of Vincent Officers to include place/s on the Municipal Heritage Inventory outlined in Clause 2 ~~(iv)~~ (iv) Council will:";*
- (b) *clause 3 (iii) be amended to read as follows:*
- "iii) Before resolving to delete or amend places from the Municipal Heritage Inventory outlined in Clause 2 ~~(iv)~~ (v) Council will:"; and*
- (c) *clause 3 (iv) be amended to read as follows:*
- "iv) Before resolving to commence consultation in the event if a review of the Municipal Heritage Inventory outlined in Clause 2 ~~(v)~~ (vi) Council will adopt a communication strategy prior to commencing advertising to direct the consultation process."*
- (iii) *ADVERTISES the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI) for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
- (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
- (a) REVIEWS the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), having regard to any written submissions; and*
- (b) DETERMINES the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), with or without amendment, to or not to proceed with them.*

**DETAILS:**

The Policies address three key aspects of heritage management and are based strongly on the principles of the *Burra Charter*.

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

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

- 3) To ensure that decisions for adding, deleting or amending places on the Town of Vincent's Municipal Heritage Inventory, are based on consideration of the cultural heritage significance of the place.

**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. The subject Policy was advertised accordingly.

No submissions were received during the comment period.

**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:

*"1.2 Recognise the value of heritage in providing a sense of place and identity".*

**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 final amended version of the new Policy, in line with the Officer Recommendation.

**Due to the lateness of the hour,  
this Item was not considered or determined.**

**10.2.7 Further Report – Proposed Traffic Calming Measures and Streetscape Enhancements – Fairfield Street, Mount Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	6 June 2006
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	TES0334, TES0240 & PRO0266
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C. Wilson		
<b>Checked/Endorsed by:</b>	R. Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the further report on the proposed traffic calming measures and streetscape improvements in Fairfield Street, Mt Hawthorn, between Scarborough Beach and Woodstock Street;
- (ii) **APPROVES IN PRINCIPLE** the Fairfield Street Improvement proposal as outlined on the attached Concept Plan 2361-CP-1B;
- (iii) **ADVERTISES** the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 “Community Consultation” inviting written submissions; and
- (iv) **RECEIVES** a further report on the proposal at the conclusion of the consultation period.

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcomes of the Local Area Traffic Management Advisory Group's meeting of 11 May 2006 at which the proposed revised Fairfield Street traffic calming and streetscape enhancement plan was considered.

**BACKGROUND:**

At its Ordinary Meeting of 8 November April 2005 the Council received a progress report on proposed traffic calming and streetscape enhancement measures being considered for Fairfield Street, Mt Hawthorn, between Scarborough Beach Road and Woodstock Street.

The original concept plan, drawing No. 2361-CP-1, had previously been in endorsed in principle by the Local Area Traffic Management Advisory Group at its meeting of 20 June 2005.

Council, having considered the matter adopted the following resolution.

*“That the Council;*

- (i) **RECEIVES** the progress report on the proposed measures to improve safety and visibility for access and egress from properties in Fairfield Street, in the vicinity of the proposed Mount Hawthorn Shopping Centre;
- (ii) **REFERS** the preliminary concept proposal for the Fairfield Street road safety and traffic calming improvements, as shown on attached drawing No. 2361-CP-1 back to the Local Area Traffic Management Advisory Group, for further consideration;

- (iii) *INVITES a representative group of Fairfield Street residents and Hawaiian Developments to attend the Local Area Traffic Management Advisory Group meeting;*
- (iv) *ACKNOWLEDGES the shopping centre redevelopment preliminary site works to be undertaken in Fairfield Street in November and December 2005;*
- (v) *REQUESTS that the developers submit a Construction Traffic Management Plan to the Town; and*
- (vi) *RECEIVES a further report once the Local Area Traffic Management Advisory Group has reconsidered the matter.”*

#### **DETAILS:**

##### **Previous deliberations**

The Fairfield Street matter was originally considered by the LATM Advisory Group at its meeting of the 20 June 2005. A progress report was subsequently presented to Council at its Ordinary Meeting of 8 November 2005, where upon the matter was again referred to the LATM Advisory Group for further consideration.

##### **Area Traffic Management Advisory Group - 11 May 2006**

In accordance with the Council's decision the item was listed for discussion by the LATM Advisory Group at its meeting of 11 May 2006 and, as is standard practice, six (6) residents of Fairfield Street were invited to attend, one of whom is also on the committee of the Mt Hawthorn Precinct Group. In addition the Mt Hawthorn Plaza Redevelopment Project Manager from Hawaiian Developments also attended.

##### Issues/Discussion

The resident's primary concerns were the same as raised at the earlier (20 June 2005) LATM Advisory Group meeting, namely increasing traffic volumes, heavy vehicles, pedestrian safety and parking issues, seen as a direct consequence of the redevelopment of the Mt Hawthorn Plaza Shopping Centre.

A revised concept plan, No. 2361-CP-1A, which had been amended to reflect the resident's previous comments (from the LATM Advisory Group meeting of 20 June 2005), was tabled at the meeting to initiate discussion.

Various concerns were voiced and largely resolved by consensus, which the Group then sought to have incorporated in an amended plan (2361-CP-1B).

##### On Road Parking

One issue that generated considerable debate was that of on-road parking in the vicinity of the shopping centre. Several of the residents who attended the meeting live directly opposite the proposed internal service road and the lower parking decks vehicle entry and exit point at 52 & 54 Fairfield Street. They raised concerns about the number of conflicting traffic movements within a confined space, such as vehicles entering and exiting the shopping centre, on-road parking and safe ingress and egress from their own properties. In light of these concerns they advised that they would rather there were no on-road parking outside their respective homes.

The attached drawing, No. 2361-CP-1B, as indicated above, has been amended to reflect the resident's (in attendance) suggestions. However it should be noted that the residents either side, at Nos. 48, 50 and 56, who are also directly affected by the proposal have yet to be consulted and may not agree. If this proves to be the case then the parking could be reinstated outside their properties reducing the 'No Parking' zone to the area directly opposite the lower parking decks entry / exit point outside Nos. 52 & 54.

#### Proposed Internal Access Road

It was also suggested that the internal service road, which will operate as a one-way thoroughfare, from Flinders Street to Fairfield Street, be restricted to right out only so that traffic exiting the shopping centre at this point would be directed to Scarborough Beach Road.

However following a lengthy discussion a majority of the Group disagreed, as it was considered that while this measure would reduce traffic in Fairfield Street it would also have a detrimental impact upon the amenity of local residents who have a legitimate reason to use Fairfield Street. Particularly in light of the existing right turn ban at Scarborough Beach Road, which all agreed should remain, requiring residents of Fairfield Street (north of the shopping centre) having to take a circuitous route via Edinboro and Woodstock Streets to get home.

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

The proposal will be advertised to the residents of Fairfield Street, Scarborough Beach Road to Woodstock Street, and the Mt Hawthorn Precinct Group, for a period of twenty one (21) days in accordance with Council Policy No. 4.1.21 "Community Consultation".

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

N/A

#### **STRATEGIC IMPLICATIONS:**

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

*"o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group."*

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

The 2005/2006 budget has some funds allocated for the project. Additional funds have been allocated in the 2006/2007 draft budget to fully implement the proposal as outlined on revised plan No 2361-CP-1B.

Further, Hawaiian Developments have indicated that they are willing to contribute up to \$24,800 toward the project being the funds they had allocated for landscaping, reticulation and brick paving along the Fairfield Street frontage of the shopping centre.

#### **COMMENTS:**

The discussions the LATM Advisory Group has had with the residents of Fairfield Street at its meetings of 20 June 2005 and 11 May 2006 respectively, has provided a good foundation on which to develop a comprehensive Fairfield Street traffic management and streetscape enhancement plan.

It is therefore recommended that the concept plan, drawing No. 2361-CP-1B, be distributed to the residents of Fairfield Street, between Scarborough Beach Road and Woodstock Street, and the Mt Hawthorn Precinct Group for a period of twenty one (21) days seeking comment, at the conclusion of which a further report be presented to Council.

**Due to the lateness of the hour,  
this Item was not considered or determined.**

**10.3.1 Investment Report as at 31 May 2006**

<b>Ward:</b>	Both	<b>Date:</b>	6 June 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Howard-Bath		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 May 2006 as detailed in Appendix 10.3.1.*

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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

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

**DETAILS:**

Total Investments for the period ended 31 May 2006 were \$13,753,389 compared with \$14,753,389 at 30 April 2006. At 31 May 2005, \$9,301,267 was invested.

Total accrued interest earned on Investments as at 31 May 2006:

	Budget	Actual	%
	\$	\$	
Municipal	310,000	359,638	126.57
Reserve	324,200	397,046	133.61

**COMMENT:**

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

**Due to the lateness of the hour,  
this Item was not considered or determined.**

**10.3.3 Fees and Charges for 2006/2007**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>	J Giorgi	<b>Amended by:</b>	

***OFFICER RECOMMENDATION:***

*That the Council APPROVES BY AN ABSOLUTE MAJORITY the Schedule of Fees and Charges attached in Appendix 10.3.3 for the 2006/2007 financial year and these be effective from 1 July 2006.*

**PURPOSE OF REPORT:**

To present the Fees and Charges for the financial year 2006/2007 for approval.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 23 May 2006, the Council considered this matter and resolved as follows:

*“That the Item be DEFERRED for further information to be provided on the fees for development applications and parking.”*

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).

**Due to the lateness of the hour,**  
**this Item was not considered or determined.**

**10.4.4 Donation - Indonesian Earthquake Appeal**

<b>Ward:</b>	-	<b>Date:</b>	6 June 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0008
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY a donation of \$2,000 (two thousand dollars) to the Australian Red Cross - Indonesian Earthquake Appeal Fund for the affected areas near Java, Indonesia, in accordance with the Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance".*

**PURPOSE OF REPORT:**

To approve of a donation to the Indonesian Earthquake Appeal Fund for the affected areas in Indonesia.

**BACKGROUND:**

On 27 May 2006, an earthquake measuring 6.3 on the Richter scale (depth 17km) struck Java, Indonesia. The epicentre was on the southern coast approximately 37km south of Yogyakarta. The affected area is approximately 500km<sup>2</sup>. The population within the affected area is approximately five million.

The Government of Indonesia has declared a State of Emergency and issued a request for assistance to Embassies on 28 May 2006.

Due to on-going work following the tsunami and preparedness activities being undertaken in expectation of an eruption from Mount Merapi, there are a number of United Nations, non-government agencies and Red Crescent staff and resources already in the country/region.

According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) the official death toll stands at approximately 6,000 with up to 53,000 injured and up to 650,000 people displaced.

Emergency aid has begun to reach survivors but many people remain without shelter. The emphasis is on getting supplies to remote villages. 67,000 houses have been destroyed, with a further 72,000 damaged. Hospitals remain overstretched. There are about 9,000 hospital beds serving 20,000 patients and up to 30,000 outpatients. The inpatients that cannot be housed in hospitals are camping outside the hospitals with their families in large numbers, presenting a potential health risk.

**DETAILS:**

At the time of writing this report, the Town has been advised that the best way to offer help is to make a donation to either the Australian Red Cross, Caritas, PLAN or Oxfam.

**Previous Donations**

The Town of Vincent has previously provided donations for disaster relief as follows;

<b>Date</b>	<b>Details</b>	<b>Amount</b>
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none"><li>• Lord Mayor's Moora Flood Appeal</li><li>• Lord Mayor's Exmouth Cyclone Appeal</li></ul>	\$1,000 \$1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$5,000
January 2005	Tsunami Appeal to CARE Australia	\$5,000
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund ( <i>General request for Donations</i> )	\$ 500
April 2006	Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland	\$2,500

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance" states;

*"OBJECTIVES*

*To provide guidance to the Council when considering requests for the provision of financial assistance and other support to alleviate the impact of disasters and other significant emergencies.*

*POLICY STATEMENT**1. Council to Approve Requests*

*All requests to provide financial assistance and other support to alleviate the impact of disasters and other significant emergencies shall be in response to an appeal launched by the Federal, State, Local Government or other bona fide agency (Lord Mayor's Disaster Appeal) and shall be reported to the Council for consideration and determination.*

2. *Financial Support*

- (a) *Financial support shall be limited to a maximum of \$5,000 to any one disaster or other significant emergency appeal.*
- (b) *In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.*
- (c) *Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals."*

**STRATEGIC IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$2,000 (two thousand dollars) would be expended from the Donation account. If this donation is approved, an amount of \$1,000 remains in this account.

**COMMENTS:**

The recommended donation is in accordance with the Town's Policy.

**Due to the lateness of the hour,  
this Item was not considered or determined.**

**10.4.5 Inclusion of Birdwood Square Reserve as a Dog Free Exercise Area**

<b>Ward:</b>	South	<b>Date:</b>	30 May 2006
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	RES0022
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report to amend the Seventh Schedule of the Town's Local Law Relating to Dogs to include Birdwood Square Reserve as a free dog exercise, that operates at all times;*
- (ii) *Pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Dogs as follows:*

**LOCAL GOVERNMENT ACT 1995 (as amended)  
TOWN OF VINCENT LOCAL LAW RELATING TO DOGS  
AMENDMENT**

*In pursuance of the powers conferred by the Local Government Act 1995 as amended from time to time, and under all other powers enabling it, the Town of Vincent resolved on 13 June 2006 to make the Local Law Relating to Dogs, Amendment No. 1, 2006.*

*The Town of Vincent Local Law Relating to Dogs as published in the Government Gazette on 23 May 2000 and amended as published in the Government Gazette on 6 May 2005, and 5 December 2000 is amended as follows:*

- (a) *That the existing Seventh Schedule be amended as follows:*
  - (i) *by inserting in column 1, the word "8"; and*
  - (ii) *by inserting in column 2, the words "Birdwood Square Reserve: bounded by Bulwer Street, Beaufort Street, Brisbane Street and Baker Avenue, Perth";*
- (iii) *RECEIVES a further report, at the expiry of the statutory six weeks' consultation period and considers any submissions received; and*
- (iv) *APPROVES the installation of a 1.2 metre high fence around the children's play area in Birdwood Square Reserve, if the dog exercise area is approved.*

**BACKGROUND:**

For some time, Birdwood Square Reserve has been underutilised as a sporting venue and, at the Ordinary Meeting of the Council, on 6 December 2005, the Council approved a recommendation, at (i)c for Birdwood Square to be listed as a dog exercise area at all times. In the report, it was acknowledged that there is a community expectation that more dog exercise areas are needed and, because of the under-utilisation of Birdwood Square, this presented an opportunity for the Reserve to be used for dog exercise.

**DETAILS:**

At the Ordinary Meeting of Council on 6 December 2005, a number of initiatives were recommended, including the creation of Birdwood Square Reserve as a new dog exercise area. While the reserve is surrounded, on three (3) sides, by busy roads, it is fully fenced and has a toilet block and water fountain already installed. The Reserve has been the source of numerous complaints, over the past few years, primarily related to anti-social behaviour and its use as a dog exercise area would encourage greater use by the public, which in turn could assist in reducing the recent problems.

From a safety perspective, if Birdwood Square Reserve is to be used as a dog exercise area, it would be appropriate to erect a fence round the children's play area, to maintain a separation of dogs and children. It is understood that the fencing around the children's play area in Birdwood Square is not scheduled for the 2006/7 financial year, but the Manager Parks Services indicated that he may be able to undertake this work, as part of the playground restoration work that has been scheduled.

To facilitate the creation of this dog exercise area, it is necessary to add the proposed Reserve to the Seventh Schedule of the Town of Vincent Local Law Relating to Dogs. The procedure for amending a Local Law is set out in the Local Government Act 2005 and this report is the first step in that process.

**CONSULTATION/ADVERTISING:**

There is a statutory requirement for amendments to a Local Law to be advertised Statewide, seeking public comment on the proposed changes, indicating where and when the amendment may be viewed.

**LEGAL/POLICY:**

There will be no impediment to an amendment to the Local Law Relating to Dogs and the proposal supports the Council decision on 6 December 2005.

**STRATEGIC IMPLICATIONS:**

The above is in keeping with KRA 1.4(f) of the Strategic Plan 2005 – 2010:

*“Ensure the current and future efficient and effective use of the Town’s parks, reserves and facilities”*

**FINANCIAL/BUDGET IMPLICATIONS:**

There will be some advertising costs, which can be met from the current Budget. If the above is approved, there will also be some signage costs and there will be a cost associated with the erection of a fence around the children's play area.

**COMMENTS:**

This report ensures that the decision of the Council, on 6 December 2005, to approve an all-times dog free exercise area in Birdwood Square Reserve, can be implemented and enforced. It is recommended for approval.

### ITEM WITHDRAWN

This Item was withdrawn by the Chief Executive Officer to provide further information about insurance details.

#### **10.4.3 Proposed Amendment to Policy No 4.1.6 – Community/Precinct Groups**

<b>Ward:</b>		<b>Date:</b>	7 June 2006
<b>Precinct:</b>		<b>File Ref:</b>	ORG0023
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **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.**

**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:**

At the Ordinary Meeting of Council held on 23 May 2006, the Council considered this item and resolved as follows:

*“That the Item be DEFERRED for further information to be obtained regarding the need for Groups to provide Audited Annual Statements.”*

**CEO’s Comment:**

Enquiries have been made with the Department of Consumer Protection, who advise as follows:

*“Every incorporated association must keep accounting records which correctly show the financial transactions and position of the association. The accounting records must be kept so that true and fair accounts can be prepared at any time and so that they can be conveniently and properly audited (although there is no legislative requirement that an association’s accounts be audited).”*

All of the Groups (except Smith's Lake Precinct Group and the North Perth Business and Community Association) are incorporated. Each incorporated Precinct Group has a constitution, which is required by the Associations Incorporations Act 1987.

The Precinct Group's constitution prescribes how the Precinct Group's affairs and business are to be conducted, including the role of the Chairperson, Secretary and Treasurer.

It states:

*"The Treasure shall –*

- (a) be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, the Association and shall issue receipts for those moneys in the name of the Association;*
- (b) pay all moneys referred to in paragraph 1 into such account or accounts of the Association as the Committee may from time to time direct;*
- (c) make payments from the funds of the Association with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by not less than one office bearer, one of which shall be the Chairperson or Secretary;*
- (d) **comply on behalf of the Association with sections 25 and 26 of the Act in respect of the accounting and membership records of the Association;***
- (e) whenever directed to do so by the Chairperson, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;*
- (f) have custody of all securities, books and documents of financial nature and accounting records of the Association, including those referred to in paragraphs (d) and (e); and*
- (g) perform such other duties as are imposed by these rules on the Treasurer."*

The Associations Incorporation Act 1987 Sections 25 and 26 state:

*"25. Accounting records to be kept*

*An incorporated association shall –*

- (a) keep such account records as correctly record and explain the financial transactions and financial position of the association;*
- (b) keep its accounting records in such manner as will enable true and fair accounts of the association to be prepared from time to time; and*
- (c) keep its accounting records in such manner as will enable true and fair accounts of the association to be conveniently and properly audited.*

*26. Annual accounts to be prepared*

*An incorporated association shall submit to its members at the annual general meeting of the association accounts of the association showing the financial position of the association at the end of the immediately preceding financial year."*

In view of the above, the Town can accept certified copies of the Precinct Groups' bank statements for the financial year preceding the payment of the administrative money or unaudited financial statements.

The policy has been amended to reflect the above.

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:

<b>Group Name</b>	<b>Incorporated</b>
Banks Precinct Action Group Inc	16 January 1998
Cleaver Precinct Action Group Inc	11 June 1996
Forrest Precinct Group Inc	19 September 2000

<b>Group Name</b>	<b>Incorporated</b>
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:

<b>Group Name</b>	<b>Information Provided to Town</b>
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:

<b>Group Name</b>	<b>Meeting Frequency and Venue</b>
Banks Precinct Action Group Inc	1st Wednesday of each Month Banks Reserve Scout Hall
Cleaver Precinct Action Group Inc	2nd Wednesday of each Month Beatty Park Leisure Centre

Group Name	Meeting Frequency and Venue
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.

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)**

Nil.

**15. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.05pm 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 Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Crystal Fairbairn	Journalist - Guardian Express
Giovanni Torre	Journalist – Perth Voice

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 13 June 2006.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2006