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(5 DECEMBER 2006)**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 5 December 2006, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.05pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Torre advised that she may arrive late due to work commitments however, did not arrive

(b) Present:

Mayor Nick Catania, JP	Presiding Member (from 6.05pm to 6.45pm and 7.40pm to 10pm)
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward (until 9.08pm)
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 (until 9.58pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services
Annie Smith	Minutes Secretary
Sharnie Beanland	Administration Assistant - Employee of the Month Recipient (until 6.55pm)
Chantal Carroll	Library Assistant - Employee of the Month Recipient (until 6.55pm)
Lindsay McPhee	Journalist - Guardian Express (until 8.30pm)
Brendan Foster	Journalist - Perth Voice (until 8.30pm)

Approximately 32 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Bruce Arnold of 3A Coogee Street, Mt Hawthorn - Item 10.1.9 - Advised that they have worked extremely hard with the Town's officers to achieve an approval. Stated that they have retained the existing house, improved the streetscape and developed the site at a reduced density. Advised that they have conformed with the proposed Loft Policy, open space and parking requirements, building heights, privacy, solar access, boundary wall heights and have responded to all planning and engineering requirements. Requested that Council approve the application.

2. Ms Nicole Wyburn of 14 Knutsford Street, North Perth - Item 10.1.4 - Believes that it would be beneficial to improve the site but unfortunately the owners or the developers seem not to have made any attempt to do this. Further believes that the flats have been left to become run down to benefit their own cause. Stated that she has strong concerns with overlooking and the number of driveways and double garages on the one site. Believes that the development is not in keeping with the single house with backyard style homes surrounding it. Upset that the Town is ignoring the huge impact this development will have on their amenity.
3. Ms Yvonne Leon Zini of 77 The Boulevard, Mt Hawthorn - Item 5.1 - Referred to the petition tabled on the Agenda. Believes that the playground was not designed for the number of children currently using it. Advised that the children attending the Pre-primary all live in the Mt Hawthorn area. Requesting financial assistance as well as assistance from the Town's staff who have the expertise in playground design and contacts to second hand play equipment which could be refurbished for their use. Advised that they have raised \$14,000 through fundraising.
4. Ms Tracy Summerfield of 22 Lacey Street, Perth - Believes the street is unique in that it is essentially one block with most of the properties having their original character frontage. Supports the proposal to protect the streetscape. Believes the proposed amendment represents a reasonable balance between those who would wish to develop their properties for investment purposes and those who would wish to retain the character of the street.
5. Ms Louise Thomas of 76 Buxton Street, Mt Hawthorn - Item 14.2 - Urged Council to apply the policy of not listing any Category B property on the MHI without the express permission of the owner. Stated that they wish to modify the front stairs as they are high and pose a safety risk but will be unable to do so if the property is listed. Tabled photos of the stairs.
6. Ms Jillian Mercer of 17 Moir Street, Perth - Item 10.2.1 - Believes that the proposed trees are not appropriate to the area because of the idiosyncrasies that the buildings are on reclaimed swamp land and they could obscure the architectural facades of the buildings. Endorses the report as it is tabled in particular the deferral of work in Brookman and Moir Streets.
7. Mr Anthony Princi, owner of 16-18 Knutsford Street, North Perth - Item 10.1.4 - Advised that they have worked very hard with the Town and designers and have followed the guidelines very closely. Believes that the proposal will have a great benefit to the local area in rejuvenating the corner and by removing tenancies that are generally short-term and some unsavoury characters. Stated that they will maintain the character of the building and the streetscape and that all parking will be on site. Requested Council's support.

8. Mr Eddie Van Ettan of 14 Knutsford Street, North Perth - Item 10.1.4 - Stated that his objections are that the proposal does not meet the Council requirements for density, minimum block size, open space, setback distances to neighbouring properties, building height, widths of carports, widths of driveways, privacy setbacks from balconies and pedestrian accessways. Concerned with the loss of privacy from the elevated balconies of the new townhouses proposed for the rear of the block and that the provision of adequate visitor's carparking does not appear to be addressed in the plans. Believes the carports on the old flats look a bit cheap and nasty and are not in keeping with the character of flats.
9. Mr Hank Ekamper owner of 11 Robyn Street, Menora owner of 56-58 Angove Street, North Perth - Item 14.2 - Tabled a letter. Strongly objects to his property being placed on the MHI. Stated that his family owns all the properties in Angove Street between Daphne and Woodville Streets and by listing this property it will not only have an affect on the value of this property but will also have an affect on total value of all their properties. Requested the removal of the property from the Inventory.
10. Mr Jonathon Choy of 62 Ferguson Street, Maylands - Item 10.1.4 - Thanked the Town's officers for their assistance and for supporting approval of the development application. Believes they have endeavoured to fulfil and meet all recommendations to achieve approval for the development. Stated that the clients will take appropriate measures to address the privacy concerns including permanent obscure material as required and will comply with all other requirements in the application. Requested Council approve the application.
11. Ms Adrianna Vinciguerra 11 Mabel Street, North Perth - Item 10.1.4 - Advised that they approve of the development as they believe it will improve the visual aspect of the property.
12. Mr Alfred La Piana of 51-53 Burt Street, North Perth - Item 10.1.7 - Believes that the proposed new home will maintain the streetscape of Burt Street and that the proposed parapet wall will disguise the existing fencing structure on the adjoining property constructed of iron sheets and posts. Does not believe the height of the parapet wall will intensify the impact on the streetscape and the surrounding amenity as stated.
13. Mr Andrew Greenfield of 67 Barlee Street, Mt Lawley - Item 14.4 - Stated that since the last report, nothing has changed. Advised that the non-conforming use in the parking area continues with their operation, non compliance with the original planning requirements and conditions continue, also the failure to meet parking requirements and unauthorised hours of operation and the commercial use continues to generate significant additional traffic movements daily in their street. Urged the Town to ensure the residential amenity of the area is not destroyed now or in the future and to defend the appeal to SAT with vigour and dedication. Advised that Barlee Street residents are prepared to support the Town with witness statements and testimony and in any other way possible.
14. Mr Martin Banning of 9 Lacey Street, Perth - Item 10.1.3 - Spoke against the proposal. Stated that the streetscape of Lacey Street differs up and down the street. Gave examples of the existing buildings in the street.

15. Ms Kay Chedid of 2 Brookman Street, Northbridge - Item 10.1.1 - Stated that the residents don't want this kind of business backing on to their properties. Advised that there have been ongoing issues with traffic and parking and increasing the number of patrons will cause further problems.
16. Mr Gordon Jenkins of 39 Monger Street, Perth - Item 10.1.2 - Advised that he now supports the development of the site. He read out a letter from a long standing resident also supporting the application.
17. Mr Ross Calloway of 13 Lacey Street, Perth - Item 10.1.3 - Supports the proposal. Advised that he has researched the history of the street and believes that the proposal will protect the people who are actually owner occupiers.
18. Mr Arthur Manowski of 14 Carrington Street, North Perth - Item 10.1.6 - Stated that the application has been lodged for six weeks and they are keen for a prompt approval of the demolition licence as they have almost exceeded the allowed approval time by the builder which will result in a substantial increase to the costs. Advised that the house has been designed to comply with the R Codes and regulations with the only exception with the garage being on the boundary. Stated that the neighbour has agreed and signed off on this. Requested the Council approve the application.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.45pm.

At 6.45pm Mayor Catania advised that he would have to leave the meeting to make a presentation at the North Perth Primary School Graduation and would return as soon as possible. He requested that Deputy Mayor - Cr Steed Farrell assume the chair in his absence.

Deputy Mayor - Cr Steed Farrell assumed the Chair.

(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 Ms Yvonne Leon Zini, Senior Teacher, Mt Hawthorn Primary School with 320 signatures requesting Council allocate contributory funding towards the improvement of the playground area and surrounds at the Mt Hawthorn Pre-Primary School Playground.

The Chief Executive Officer advised that the petition would be forwarded to the Executive Technical Services for investigation and report.

Moved Cr Ker, Seconded Cr Doran-Wu

That the petition be received.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Ker, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held on 21 November 2006 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for November 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 November 2006, the award is presented to Chantal Carroll, Library Assistant at the Town of Vincent Library. Chantal was nominated by the Manager Library and Information Services, Elizabeth Scott, as a result of Chantal being awarded the Local Government Librarians Association of Western Australia Service Excellence Award for 2006.

This Award is very well deserved and recognises a non-professional or "clerical" member of library staff, who has made significant contribution to the library in which they are employed and to the library profession in general. The Award also positively reflects on the Town's Library.

Chantal has always shown excellent customer service skills, in particular when dealing with excessively demanding or difficult customers.

Chantal has also instigated some procedural changes to the library's record keeping, in particular expenditure from library budget. Since her employment, some tasks previously performed by others have been allocated to Chantal's position, as she has demonstrated that she is very thorough, efficient and capable.

Chantal is quick to identify customer needs and proactive in initiating services that satisfy those needs. She also involves other members of the Library team, either by general participation in staff meetings, or by formal instruction via email or procedure manual.

Congratulations Chantal and well done!

Received with acclamation.

7.2 Employee of the Month Award for the Town of Vincent for December 2006

For December 2006, the Award is presented jointly to the following Officers in the Town's Ranger Services and Community Safety Section:

- Ranger Simon Giles
- Ranger Dene Lawrence
- Sharnelle (Sharnie) Beanland - Administration Officer

Simon, Dene and Sharnie were nominated by the Manager Ranger Services and Community Safety, Jim Maclean for their initiatives to raise the profile of the Rangers, while providing a tangible reward for members of the public, who were seen to be "doing the right thing", with regard to their dogs. The proposal was that, if a Ranger observed a dog owner who was complying with the requirements of the Dog Act 1976 and the Town's Dogs Local Law and the dog was currently registered, they could issue a "Well Done" pack and note their name and address details as recognition of their being "Responsible Dog Owners".

Simon and Dene approached Pet's Meat Supplies, Oxford Street, Leederville and obtained an agreement from the proprietor that they would supply free sample-packs of dog food, dog toys, etc, to be included in the "Well Done" packs. If an owner was to purchase the contents of the packs, they would have an estimated value of around \$15.00. They then approached the Town's Veterinary Clinic to establish if they would like to participate in the scheme and "My Best Friend Veterinary Clinic" were happy to provide vouchers, to enable dog owners to obtain a free vet check, valued around \$35.00.

To ensure that the "Well Done" packs are used to only reward responsible pet ownership, these Rangers, then developed guidelines to be used by all of the Rangers, when assessing whether a dog owner should be acknowledged and rewarded. To maintain the "value", it was decided that the number of "Well Done" packs issued, would be restricted to a maximum of two (2) per week and to ensure consistency, the responsibility for deciding who should receive a pack, should be given to the duty animal control Ranger, for the week.

Further, Ranger Simon Giles and Administration Officer Sharnie Beanland were responsible for undertaking much of the preparatory work, to enable My Best Friend Veterinary Clinic and All Creatures Great and Small Veterinary Clinic to be authorised to accept dog registrations, at their clinics. These Registration Officer appointments were approved by the Council on 27 June 2006 and 10 October 2006, respectively.

The obvious benefit to the Town is that registration of all dogs is promoted at these surgeries and it is likely that dog owners, whose dogs are not registered and who attend the veterinary clinic for treatment, will take the opportunity to register them.

Congratulations Simon, Dene and Sharnie and well done!

Received with acclamation.

7.3 Accessible Communities Awards

I am pleased to announce that the Town has received a commendation award in the Disability Services Commission Accessible Communities Awards 2006 under the category of "Progress towards Accessible Communities for Seniors". The project which received commendation was the "Town of Vincent Transport Assistance Programme – Taxi Voucher Assistance for Seniors and People with Disabilities".

The scheme was developed in July 2005 and represents a new and innovative model for the provision of transport for seniors and people with disabilities by a Local Government Authority. It involves providing pre-paid taxi vouchers to eligible residents who currently have difficulty accessing public transport and who may not be eligible for transport through Home and Community Care.

The scheme empowers users to remain active and independent in their community and leaves them with the control to make their own transport arrangements.

Congratulations to all involved.

Received with acclamation.

7.4 Local Government Amendment Bill 2006

The Minister for Local Government and Regional Development has written to the Town, advising of the progress of the Bill. A copy has been circulated to Elected Members.

As you may be aware, there has been considerable debate on this Bill, including the media.

On Thursday 23 November, the Legislative Council voted to split the Bill into two Bills. This action allowed the key changes to the legislation to be dealt with separately, with the first Bill progressing the issues relating to the change of election date from May to October and the clarification that an elector must be 18 years of age in order to vote.

In keeping with the commitment given by the Minister for Local Government and the Premier at Local Government Week in relation to this matter, the Minister has advised that the Bill has been passed in the Legislative Council so local governments now have certainty that the next local government elections will be held in October.

The *Local Government Amendment Bill (No. 2) 2006* will deal with the proposed amendments to remove the first past the post counting system and replace it with the proportional preferential voting system. This Bill has been referred to the Standing committee on Environment and Public Affairs for consideration.

The Committee will call for public submissions, and has been charged with the responsibility of reporting back to the House by 3 April 2007.

This will provide another opportunity for local government to make comment on their views about the proposed proportional preferential voting system.

Once the Report of the Committee has been presented, the Parliamentary process can recommence in relation to the passage of the Local Government Amendment Bill (No. 2) 2006.

The Minister encourages all local governments to participate in the public submission process to be undertaken by the Standing Committee on Environment and Public Affairs.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 14.2 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places - Group 4. The nature of his interest being that he is an owner of a property that may be listed on the Town's Municipal Heritage Inventory. Mayor Catania advised that he has approval from the Minister for Local Government to fully participate in discussion and vote on the matter, and also preside at meetings where these matters are discussed.
- 8.2 Cr Chester declared a financial interest in Item 14.2 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places - Group 4. The nature of his interest being that he is a co-owner of a property that may be considered for listing on the Town of Vincent's Municipal Heritage Inventory. Cr Chester advised that he has Ministerial permission to participate and vote on the matter.
- 8.3 Cr Doran-Wu declared a financial interest in Item 10.1.2 - Further Report - No 36 Monger Street, Perth - Proposed Four (4) Two (2) Storey Multiple Dwellings. The nature of her interest being that the applicant is a major funder of the organisation she works for.
- 8.4 Mayor Catania declared an interest affecting impartiality in Item 10.4.2 - Adoption of Employee of the Month Award Policy No 5.3.2 and Sponsorship Agreement with North Perth Community Bank. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.5 Cr Messina declared an interest affecting impartiality in Item 10.4.2 - Adoption of Employee of the Month Award Policy No 5.3.2 and Sponsorship Agreement with North Perth Community Bank. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.6 Cr Maier declared an interest affecting impartiality in Item 11.1 - Notice of Motion - Cr Dudley Maier - Public Apology. The nature of his interest being that the Item to relates to his privileges as a Councillor.
- 8.7 Cr Lake declared an interest affecting impartiality in Item 11.1 - Notice of Motion - Cr Dudley Maier - Public Apology. The nature of her interest being that the Item relates to her partner.
- 8.8 Cr Lake declared an interest affecting impartiality in Item 14.2 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places - Group 4. The nature of her interest being that she owns property listed on the Municipal Heritage Inventory.

8.9 Cr Maier declared an interest affecting impartiality in Item 14.2 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places - Group 4. The nature of his interest being that she owns property listed on the Municipal Heritage Inventory.

8.10 Cr Ker declared an interest affecting impartiality in Item 14.2 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places - Group 4. The nature of his interest being that he is an owner of a property already listed as Category B on the Town of Vincent's Municipal Heritage Inventory. Cr Ker advised that he has Ministerial permission to participate and vote on the matter.

**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 10.1.9, 10.1.4, 10.1.3, 10.2.1, 10.1.7, 10.1.1, 10.1.2 and 10.1.6

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 10.1.4, 10.1.5, 10.4.2, 10.4.3, 10.4.6 and 11.1

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	Item 10.2.3
Cr Ker	Item 10.1.8
Cr Doran-Wu	Nil.
Cr Lake	Nil
Cr Messina	Item 10.2.5
Cr Maier	Nil
Mayor Catania	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 10.1.2 and 14.2

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

The Presiding Member asked Councillors if there were any additional nominations for Items 10.4.4 and 10.4.5 relating to conferences. No additional nominations received. He then ruled that the Items would be moved "*en bloc*".

Items 10.2.2, 10.2.4, 10.2.6, 10.2.7, 10.3.1, 10.3.2, 10.3.3, 10.4.1, 10.4.4, 10.4.5 and 10.4.7

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

Items 14.1, 14.2, 14.3 and 14.3

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 10.2.2, 10.2.4, 10.2.6, 10.2.7, 10.3.1, 10.3.2, 10.3.3, 10.4.1, 10.4.4, 10.4.5 and 10.4.7

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

Items 10.1.9, 10.1.4, 10.1.3, 10.2.1, 10.1.7, 10.1.1, 10.1.2 and 10.1.6

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 10.2.2, 10.2.4, 10.2.6, 10.2.7, 10.3.1, 10.3.2, 10.3.3, 10.4.1, 10.4.4, 10.4.5 and 10.4.7

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

10.2.2 Banks Reserve Foreshore Restoration Project - Progress Report No 2

Ward:	South	Date:	29 November 2006
Precinct:	Banks, P15	File Ref:	RES0008
Attachments:	001		
Reporting Officer(s):	J van den Bok; R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the progress report No 2 in relation to the Banks Reserve Foreshore Restoration Project;
- (ii) **IMPLEMENTS** the Restoration works in Stage 1A as shown on attached plan (appendix 10.2.2) and plans as laid on the table, estimated to cost in the order of \$285,000 subject to:
 - (a) formal approval being received from the Department of Indigenous Affairs to comply with Part IV of the Aboriginal Heritage Act 1972 and the Native Title Act 1993; and
 - (b) the Swan River Trust being notified at least fourteen (14) days prior to the commencement of works;
- (iii) **NOTES** that;
 - (a) an Acid Sulphate Soil Management Plan has been completed and has been submitted to the Swan River Trust;
 - (b) consultation with indigenous families has been successfully completed and the Department of Indigenous Affairs has advised they will be assessing the Town's Section 18 application (Ministers Consent to use the Land) in early December 2006;
 - (c) consultation with the local community closes on Friday 1 December 2006 and (at the date of writing this report) all comments received had been favourable towards the proposal;
 - (d) the Town was successful in its Riverbank Funding Program submission through the Swan River Trust for funding of \$172,059 towards this project; and
 - (e) it is imperative that 'on ground' works commence by no later than February 2007 while the Swan River tides remain low enough to implement the required bio-engineering works; and
- (iv) **RECEIVES** further progress reports on the project as required.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is update the Council on the progress of Banks Reserve Foreshore Restoration Project.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 March 2006, a progress report was presented to the Council in relation to the above project, where it was resolved:

“That the Council;

- (i) RECEIVES the report in relation to the Banks Reserve Foreshore Restoration Project;*
- (ii) NOTES that:*
 - (a) the Contaminated Site and Acid Sulphate Soil Investigation has been completed and submitted to the Swan River Trust as required, and*
 - (b) the Minister for the Environment has approved the Town's application to undertake the foreshore restoration works stages 1A and 1B at Banks Reserve as per the plans (laid on the table) subject to various conditions as outlined in the attached response from the Swan River Trust;*
- (iii) AUTHORISES the Chief Executive Officer to engage suitable consultants to:*
 - (a) undertake an Acid Sulphate Soil Management Plan at Banks Reserve estimated to cost \$7,500 (GST inclusive) as determined by the Swan River Trust;*
 - (b) comply with the advice recommended by the Swan River Trust in ensuring the proposed development does not breach any section of Part IV of the Aboriginal Heritage Act 1972 and complies with the Native Title Act 1993 estimated to cost in the vicinity of \$15,000-\$20,000;*
- (iv) NOTES that the actions outlined in Clause (iii) above need to be implemented as part of the approval process and will need to be funded from funds currently allocated for the project;*

- (v) *LISTS for consideration an amount of \$50,000 on the 2006/07 draft budget to provide adequate funding to enable the “on-ground” works to commence and notes that the Swan River Trust will be funding up to 50% of the project once all conditions have been satisfied;*
- (vi) *RECEIVES a further progress report upon completion of the Acid Sulphate Soil Management Plan and where the conditions/recommendations of the Swan River Trust have been satisfied; and*
- (vii) *CONSULTS with the Banks Precinct Action Group and local residents following the further report to Council and prior to the commencement of Stage 1 of the project.”*

DETAILS:

Note: A tender for Stage 1A of the Foreshore Redevelopment Works at Banks Reserve project was advertised on 1 November 2006. Tenders closed on Wednesday 15 November 2006 and a report on the outcome of the tender has been included as a separate item in this agenda.

Project Outline

The success of any foreshore works is proven to be built on a sound environmental understanding of the local foreshore and river environment, including shoreline processes, hydrological and vegetation aspects. The contractor has already undertaken a vast amount of research into this project and has previously completed similar projects along the Swan River foreshore.

The location of the Banks Reserve foreshore provides a number of opportunities for enhancement works.

Following site preparation works, there will be a large amount of reusable resources available on site, including limestone rocks and branches and mulch from exotic trees removed from the site. These will be stored and used as part of the restoration works when required.

The large distance between the foreshore and the dual use path in Stage 1A provides a greater area for works to be conducted and the ability to use a range of foreshore stabilisation techniques because of the available space and relatively gentle slopes. This in turn allows for a greater variety of foreshore habitats to be created.

It is the preferred policy of the Swan River Trust to undertake soft engineering options wherever possible. Consequently, bioengineering, including revegetation, is the preferred approach for foreshore protection.

Numerous bioengineering options have been developed and used successfully to stabilise the banks of coastal and river zones subject to wave erosion. Bioengineering stabilisation has proven to be more effective and more aesthetic than conventional engineering solutions such as hard wall constructions.

Brush mattress protection (see plans) is required for areas which are intolerant to foreshore movement due to onshore facilities. This treatment type is expected to have sufficient strength to withstand strong changes of stress, with minimal maintenance, even during strong storm conditions. The brush mattressing method involves layering small branches, with bottom layers positioned at right angles to the water flow. The branches are then covered with limestone rocks along the shoreline, and secured upslope with timber pegs.

Revegetation is expected to have sufficient resilience to withstand typical conditions without stress, suffering mild damage during strong storm events.

Proposed Works

The proposed works will include the following:

- Installation of a safety fence for construction purposes that contains the entire foreshore area in Stage 1A and the native garden beds to the west.
- All structures within the construction area are to be removed from the site, temporarily stored off site and relocated following completion of the works.
- All exotic trees along the foreshore will be removed, including *Casuarina glauca* and *Eucalyptus* sp. Care will be taken not to disturb or remove the existing native rush *Juncus kraussii* located along the foreshore;
- Regrading of the foreshore is to be undertaken from the top of the riverbank. The regrading is to be carried out to an approximate grade of 1:4. In steeper areas it will be necessary to terrace the slope to reduce the amount of fill to be removed.
- Log-barrier and brush matting is to be used as bioengineering options to stabilise the embankments. Limestone rocks will also be placed at the base of the brush matting to hold the material to the base of the slope and to disperse wave impact.
- Tubestock will be planted into the brush matting to reinforce bank stabilisation and strength.

Acid Sulphate Soil Management Plan

As advised in the previous progress report presented to the Council in March 2006, one of the Swan River Trust's conditions was to provide an acid sulphate soil management plan for the Banks Reserve area. This was completed in May 2006 and subsequently forwarded to the Swan River Trust.

Archaeological & Ethnographic Reports / Aboriginal Consultation

Anthropologist Stuart Fisher was engaged by the Town in October 2006 to complete the necessary surveys/reports and consult with indigenous families in association with the Town's Mayor and officers involved in the project.

The indigenous consultation has been completed and a Section 18 application is currently being assessed by the Department of Indigenous Affairs and will be presented at one of their three (3) December meetings.

Department of Indigenous Affairs Heritage Officers have advised the Town's Manager Parks Services that the Town's application is relatively straight forward and should therefore be approved.

Community Consultation

Three Hundred (300) letters and attached plans were distributed within the Banks Precinct on 3 November 2006 outlining the project and inviting comments. All formal responses received to date (3) have been positive in regard to the proposal.

The Town's Manager Parks Services has met several residents on site to allay any concerns that the river views will be obstructed with vegetation. In fact, many existing groves of the eastern states Sheoak will be removed and replaced with indigenous tree species that will be strategically placed to retain and improve vistas from Joel Terrace.

The Executive Manager Technical Services also attended a meeting of the Banks Precinct Action Group where the project was highlighted and discussed in brief. No adverse comments were received.

Once the tender has been awarded it is the intention to attend another meeting of the group, together with the successful contractor's representatives, to give a more detailed explanation of the processes and end result.

CONSULTATION/ADVERTISING:

Consultation with the local community closes on 1 December 2006, however, at the close of the Council meeting agenda on Wednesday 29 November 2006, as stated above, all comments received are in favour of the proposal.

The Manager Parks Services has met with several adjacent residents on site and whilst they initially had some concerns, now fully support the proposed works. In addition, the Executive Manager Technical Services attended a recent meeting of the Banks Precinct Action Group to outline the project and no adverse comments were received.

LEGAL/POLICY:

In undertaking this project, the Town was required to comply with the following:-

- Swan River Trust Act 1988
- Aboriginal Heritage Act 1972
- Native Title Act 1993

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. *“f) Ensure the current and future efficient and effective use of the Town's Infrastructure improvements for public open space. Develop Greenway to link together parks with ecology, arts, recreation and culture.” and “g) Work with Stakeholders to develop strategies for improved drainage, stormwater conveyance and improved water quality.”*

FINANCIAL/BUDGET IMPLICATIONS:

A total budget allocation for the Banks Reserve Foreshore Redevelopment project was \$165,000.

To date a total of \$34,508 has been used to undertake an Acid Sulphate Soil Management Plan and Aboriginal consultation and reports associated with a Section 18 approval to undertake the proposed works. (application to be determined by the Department of Indigenous affairs in early December 2006).

The Town applied to the Swan River Trust under its Riverbank Program for funding assistance towards this project earlier this year and was recently advised that the funding application of \$172,059 was approved.

Therefore, the total funds available for this project are as follows:

• Town of Vincent (funds remaining)	\$130,492
• <u>Swan River Trust (Riverbank Program Funding)</u>	<u>\$172,059</u>
Total	\$302,551

COMMENTS:

The Town's staff are looking forward to the completion of this project given the successful results of similar projects undertaken along the Swan River foreshore.

As mentioned in previous reports, following completion and monitoring of its success, the Town may, in conjunction with the Swan River Trust, provide further funding for the completion of Stage 1B.

10.2.4 Proposed Self Regulating Parking Control Trial – Dangan Street, Perth

Ward:	South	Date:	14 November 2006
Precinct:	Hyde Park Precinct (P12)	File Ref:	PKG0094/TES0487
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed trial of a “self regulatory” parking control system in Dangan Street, Perth;*
- (ii) *CONSULTS with the residents of Dangan Street to determine the level of support for a proposed three (3) month trial of the "self regulatory" system as outlined on Plan No 2483-PP-1; and*
- (iii) *RECEIVES a further report at the conclusion of consultation period.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to consult with residents regarding a three (3) month trial of a "resident self regulatory parking control trial" in Dangan Street, Perth, as a means of improving pedestrian access while maintaining the existing parking amenity.

BACKGROUND:

The Manager Ranger Services and Community Safety (MRS&CS), recently forwarded a memorandum to Technical Services requesting an engineering assessment of what action, if any, could be undertaken in Dangan Street to alleviate the continuing parking issues.

Over the past few months, there have been a number of complaints received in regards vehicles that partially park on the footpath. As you are aware Dangan Street is quite narrow and driver's park in this way to ensure that there is an appropriate width of roadway for through traffic.

Parking in this way is clearly an offence and clause 11(3) of the Parking Facilities Local Law states:

11. *A person shall not stop or park a vehicle so that any portion of the vehicle is:*

- (3) *on or over a footpath or a place of refuge for pedestrians, except in the case of a bicycle and only then provided that it does not cause an obstruction.*

The road is not wide enough to allow vehicles to be legally parked on both sides and still leave sufficient space for through traffic, so it may be appropriate for a traffic management assessment to be undertaken, to review the current situation and, perhaps to designate either the east side or the west side of the street as being "No Stopping". While this would alleviate the problem of footpath parking, it will almost certainly generate complaints from residents, who have become used to parking in front of their homes. It should be noted that there is a right-of-way running behind the houses, on both sides of Dangan Street.

While Dangan Street is the only street where Rangers currently receive complaints, there are wider implications to also be considered. There are a number of other similar streets, such as Wade Street, Brookman Street, Moir Street, etc, where similar situations occur and, because complaints are not received, are rarely addressed and these should probably also be assessed, from a traffic perspective.

While I would be happy to direct Rangers to enforce the footpath parking in these streets, initially by way of Cautions and thereafter by issuing infringement notices, I believe that this will generate widespread complaints, both to the Town's staff and to the Elected Members. This in turn will add to the already heavy workload in both the Ranger Services and Community Safety and the Engineering Design Sections.

.....can you arrange for an assessment of Dangan Street, to be undertaken, to establish if the situation can be resolved on an engineering basis. If this is not possible, I will make the necessary arrangements for Rangers to commence enforcement action.

Previously canvassed solutions

In 2000/2001, Dangan Street was listed on the Town's capital works program for resurfacing and in light of on-going complaints at the time about parking and access in August 2000 Technical Services took the opportunity to canvass the residents' views on a range of options to improve the situation.

These included restricting parking to one side of the road only and making Dangan Street one-way, north to south (*Bulwer Street to Brisbane Street*) and alternating the parking on either side of the road, again in tandem with a one-way restriction.

The residents' overwhelmingly rejected both proposals as they wanted to be able to park in front of their residence. The end result was that Dangan Street was resurfaced and the parking situation remained the same.

DETAILS:

The estimated cost to widen Dangan Street, on the eastern side only, to accommodate on-road parking on both sides of the road, is in the order of \$80,000. If both sides were to be widened it would require undergrounding the power on the western side of the road, effectively doubling the cost of the project.

As indicated above in the MRS&CS' memorandum, there is an issue with vehicles either partly or fully obstructing the footpath, meaning the Rangers are obliged to act if someone complains.

Local Area Traffic Management Advisory Group

In light of the MRS&CS concerns about the implications of enforcing parking restrictions in Dangan Street the matter was raised in at the Local Area Traffic Management Advisory Group meeting of 21 September 2006.

It was recognised Dangan Street is one on several narrow streets within the Town where a similar problem exists. It was considered that if an equitable outcome could be achieved in Dangan Street it could be potentially applied in the others.

As previously indicated it is an offence under the Town's Parking Facilities Local Law stating that:

"11. A person shall not stop or park a vehicle so that any portion of the vehicle is:

- (3) on or over a footpath or a place of refuge for pedestrians, except in the case of a bicycle and only then provided that it does not cause an obstruction."*

The width of the footpaths in Dangan Street is 2.35m on the eastern side and 2.13m wide on the western side.

It was suggested that if a mechanism could be found to allow residents to park with a vehicles left hand side wheels on the footpath, while maintaining a 1.5m clear zone for pedestrians, it would satisfy both the residents and the need to maintain pedestrian accessibility.

Given that it can not be condoned under the Town's Parking Facilities Local Law, any system put in place would have to be self regulatory, and one that ALL the residents agree to abide by.

The attached drawing, 2466-PP-1, is a suggested means by which this could be achieved. A line would be painted along the footpath (white or colour to be determined) and information signs would be installed (on poles dyna bolted to the footpath) on the line (will also act as a barrier to some extent).

It would, if adopted, ensure that a 2.7m wide continuous traffic lane down the centre of the road with passing points at the existing crossovers and 'No Stopping' Zones, essentially maintaining the status quo.

However, if the system is abused and the Rangers receive a complaint, they are obliged to act.

Therefore it would have to be emphasised to the residents that system WILL ONLY WORK WITH THEIR FULL COOPERATION. If there is flagrant and regular disregard for the arrangement, the Town will have to re-consider restricting parking to one side of the road only.

CONSULTATION/ADVERTISING:

It is proposed to consult with the residents of Dangan Street for a period of 21 days in accordance with the Council's consultation policy.

LEGAL/POLICY:

The Town's Rangers will monitor resident compliance for the three (3) month trial period once implemented.

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. *“p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes - parking facilities that are appropriate to public needs;*

FINANCIAL/BUDGET IMPLICATIONS:

Existing poles can be utilised and the cost of implementing the measures is estimated to be approximately \$200.00.

COMMENTS:

The proposal, as presented, is considered to be an innovative solution to an ongoing parking problem in the street. While the enforcement of such a proposal is not covered in the Town's Local Law, all residents in the street would need to agree to fully cooperate and abide by the proposal.

It is therefore recommended that they be canvassed regarding the proposal and that the Council receives a further report once their comments have been obtained.

10.2.6 Tender No. 356/06 – Banks Reserve Stage 1A Foreshore Redevelopment Works

Ward:	Both	Date:	27 November 2006
Precinct:	All	File Ref:	TEN0365
Attachments:	-		
Reporting Officer(s):	J van den Bok; R Lotznicker; J Lockley		
Checked/Endorsed by:	R Lotznicker; M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted from Syrinx Environmental PL for \$282,746.00 (exclusive of GST) as being the most acceptable to the Town for Stage 1A of the Foreshore Redevelopment Works at Banks Reserve in accordance with the specifications as detailed in Tender No. 356/06.

COUNCIL DECISION ITEM 10.2.6

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to approve the tender for Stage 1A of the Foreshore Redevelopment Works at Banks Reserve.

BACKGROUND:

On 1 November 2006 a tender was advertised for Stage 1A of the Foreshore Redevelopment Works at Banks Reserve. At the close of the tender on Wednesday 15 November 2006 at 2.00pm, two (2) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Manager Engineering Design Services, Craig Wilson.

DETAILS:

Tender Evaluation

The following weighted criteria was used for the selection of the preferred tenderer to undertake the restoration works:

Evaluation Criteria	Raw Score	Weighting
<i>Relevant Experience, Expertise and Project Team.</i> Demonstrate your: i) Experience, expertise of your project team. ii) Experience in foreshore restoration work using bioengineering techniques. iii) Compliance with best practice principals for the management and construction in/or Acid Sulphate Soil (ASS).	30	30%

Evaluation Criteria	Raw Score	Weighting
iv) Construction within the Swan River environmental. v) Level of botanical/horticultural/local environmental knowledge. vi) Ongoing availability for backup assistance should the need arise.		
<i>Financial Offer / Fee Proposal</i> i) This contract is offered on a lump sum basis. Include in the lump sum, all costs and disbursements to undertake the project and the appropriate level of Goods and Services Tax (GST). ii) Represents best value for money iii) Provision of reasonable costs in proportion to the specific part of the project being undertaken.	25	25%
<i>History and Viability of Organisation</i> i) Detail your history financial capacity and viability. ii) Include any comments received from referees. iii) Demonstrate your capacity to deliver. iv) Demonstrate your capacity and depth to efficiently address the requirements of the project.	20	20%
<i>Methodology</i> i) Proposed methodology for this project to be completed on time and within budget. ii) Proposed methodology for this project and demonstrated evidence of successful results, particularly in Western Australia iii) Demonstrated project management experience in relevant projects of a similar nature, particularly in Western Australia.	15	15%
<i>Key Issues and Risk</i> i) Demonstrate your understanding of the required service by identifying the key issues and risks associated with delivering the project. Explain how you intend to address these issues and risks.	10	10%
Total:	100	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Executive Manager Corporate Services, Manager Parks Services, and the Waste Management Officer.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Fee Summary

	Tenderer	Total (Exclusive of GST)
1.	Natural Area and Management Services	\$276,818.00
2.	Syrinx Environmental PL	\$282,746.00

Assessment

	%	Syrinx Environmental PL	Natural Area and Management Services
Relevant Experience, expertise and project team	30	29	23
Financial offer, fee proposal	25	24.69	25
History and viability of organisation	20	18.5	15
Methodology	15	15	9.5
Key Issues and Risks	10	10	6
Total:	100	96.19	74.5
Ranking		1st	2nd

Both tenderers addressed the selection criteria adequately, however, upon careful assessment of both submissions, the evaluation panel considered that Syrinx Environmental PL would be the preferred tenderer to deliver the required project and this is reflected in the assessment table above.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

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. *“f) Ensure the current and future efficient and effective use of the Town's Infrastructure improvements for public open space. Develop Greenway to link together parks with ecology, arts, recreation and culture.” and “g) Work with Stakeholders to develop strategies for improved drainage, stormwater conveyance and improved water quality.”*

FINANCIAL/BUDGET IMPLICATIONS:

The total funding available for this project is as follows:

• Town of Vincent (funds remaining)	\$130,492
• <u>Swan River Trust (Riverbank Program Funding)</u>	<u>\$172,059</u>
Total	\$302,551

COMMENTS:

It is recommended that the Council accepts the tender submitted by Syrinx Environmental PL for Stage 1A of the Foreshore Redevelopment Works at Banks Reserve as being the most acceptable in accordance with the specifications as detailed in Tender No. 356/06.

10.2.7 Tender No. 355/06 – Supply and Delivery of Sand

Ward:	Both	Date:	27 November 2006
Precinct:	All	File Ref:	TEN0364
Attachments:	-		
Reporting Officer(s):	J van den Bok; C Economo		
Checked/Endorsed by:	M Rootsey R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council

- (i) *RECEIVES the report on the tender for the supply and delivery of sand;*
- (ii) *REJECTS the tender submitted from W.A. Limestone for the Supply and Delivery of Sand; and*
- (iii) *NOTES that*
 - (a) *the current practice of obtaining quotations for the supply of this product will continue given that it has been determined that the total value of sand used per annum is less than \$50,000; and*
 - (b) *should the annual value of sand purchased reach the current tender threshold of \$50,000, public tenders will be called.*

COUNCIL DECISION ITEM 10.2.7

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to reject the tender for the Supply and Delivery of Sand.

BACKGROUND:

On 1 November 2006 a tender for the Supply and Delivery of Sand for a three (3) year period was readvertised. At the close of the tender on Wednesday 15 November 2006 at 2.00pm, one (1) tender was received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Manager Engineering Design Services, Craig Wilson.

DETAILS:

The tender submission received is as follows:

WA Limestone

	Description	Land Sand yellow (Screened) \$/tonne	Fill Sand Yellow (Un-screened) \$/tonne	Bricklayers Sand (Screened) \$/tonne	Washed White Sand (Screened) \$/tonne
1	Supply and Deliver to Town of Vincent Works Depot:	\$15.84	\$14.52	\$17.49	\$19.14
2	Supply onto Town's vehicle - ex pit	\$7.92	\$6.60	\$9.57	\$12.76
3	Supply and deliver anywhere within the Town of Vincent	\$15.84	\$14.52	\$17.49	\$19.80

All prices include GST

Officers' Comments

The tender submitted by WA Limestone complies with the specification, however, it has been subsequently determined that the Town's annual sand purchase is estimated to be \$20,000, which is below the tender threshold requirement.

The Town is currently purchasing the required sand/s at commercially competitive rates through request for quotations on an "as required" basis. This is providing a "best value for money" solution to the Town.

The Town is not bound to accept the lowest tender and may reject any or all tenders submitted.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Tenders are advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the supply and delivery of sand is charged to a specific capital works project or a specific maintenance account as and when required.

The total cost of supply and delivery of sand within the Town varies from year to year dependant on what projects are specified in the annual budget. During the 2005/06 financial year, a total of about \$20,000 was required for the supply and delivery of sand throughout the Town.

It is estimated that a similar dollar value amount will be used in 2006/07 financial year.

COMMENTS:

It is therefore recommended that the Council rejects the tender submitted by W.A. Limestone for the Supply and Delivery of Sand and continues to obtain sand by requesting various quotations from suitable commercial sand suppliers.

10.3.1 Financial Statements as at 31 October 2006

Ward:	Both	Date:	22 November 2006
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVE the Financial Reports for the month ended 31 October 2006 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 October 2006.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 October 2006.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 109% of the month of October Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 100% of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 100% of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 306% of the budget received to date; this is due the sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a unfavourable variance of 87% due to dog licence budgeted in October when payment can be made from Nov 06. The variance will be corrected next month.

Health (Page 4)

Health is showing 97%, this is due to 287 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is showing 69% of the budget, the Town did not receive the \$25,000 operating surplus budget expected from Leederville Garden Retirement Village.

Community Amenities (Page 6)

Community Amenities is 163% of the year to date budget, this is the result of 227 planning applications being processed to date and the issue of non rateable properties for their refuse charges

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture shows a favourable variance of 101% of their revenue budget. Beatty Park Leisure Centre revenue is 23% of the total Recreation and Culture revenue budget and tracking along with the centre year to date budget of 98%.

Economic Services (Page 12)

Economic Services is 101% over budget which is the 186 building licences issued to the month of October.

Operating Expenditure

Operating expenditure for the month of October is under budget at 90%

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2006/07 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for October amount of \$1,229,265 which is 2% of the budget of \$54,482,388.

	Budget	Actual to Date	%
Furniture & Equipment	101,800	10,006	10%
Plant & Equipment	905,925	441,810	49%
Land & Building	43,623,350	55,582	1%
Infrastructure	9,851,313	721,866	7%
Total	54,482,388	1,229,264	2%

Balance Sheet (Statement of Financial Position) and Statement of Changes in Equity (Pages 25 & 26)

The statement shows the current assets of \$26,465,663 and non current assets of \$113,763,419 for total assets of \$140,229,083.

The current liabilities amount to \$3,899,170 and non current liabilities of \$10,820,006 for the total liabilities of \$14,719,176. The net asset of the Town or Equity is \$125,509,906.

Restricted Cash Reserves (Page 27)

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

Debtors and Rates Financial Summary**General Debtors (Page 28)**

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

Sundry Debtors of \$1,700,162 are outstanding at the end of October. Of the total debt \$75,956 (87%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 29)

The notices for rates and charges levied for 2006/07 were issued on the 1 August 2006.

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

First Instalment	5 September 2006
Second Instalment	6 November 2006
Third Instalment	4 January 2007
Fourth Instalment	6 March 2007

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

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

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

Rates outstanding are \$4,461,139 which represents 29% of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 30)

As at 31 October 2006 the operating deficit for the Centre was \$96,869 in comparison to the budgeted year to date deficit of \$236,678 and annual deficit of \$639,155.

The cash position showed a current cash surplus of \$58,746 in comparison to the year to date budget of cash deficit of \$27,032 and an annual budget estimate of a cash deficit of \$81,056. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The amount raised from rates for the year to date 31 October 2006 was \$15,072,020.

Net Current Asset Position (Page 32)

10.3.2 Cultural Development Seeding Grant Application - Mount Hawthorn Community Church

Ward:	Both	Date:	27 November 2006
Precinct:	All	File Ref:	FIN0155
Attachments:	-		
Reporting Officer(s):	J. Bennett		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the application of Mount Hawthorn Community Church for a Cultural Development Seeding Grant of \$600 for Candlelight Carols at Braithwaite Park.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

PURPOSE OF REPORT:

To seek approval for a Cultural Development Seeding Grant application for the Mount Hawthorn Community Church Carols in Braithwaite Park.

BACKGROUND:

The Mount Hawthorn Community Church on behalf of Mount Hawthorn Community Church and Mount Hawthorn Joint Anglican/Uniting Parishes are running a combined Carols by Candlelight in Braithwaite Park, on Sunday 10 December 2006.

DETAILS:

In particular the funding will go towards assistance with costs related to the hiring costs of a public address system, stage and lighting for the event. The Carols by Candlelight will be a free event, open to the community and is an important fundraiser for the Chaplaincy of Perth Modern School. Donations to the Perth Modern Chaplaincy will be voluntary on the night.

This event will be fully accessible to all members of the community including people with a disability.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grants and the submitted application address the following section of the Town's Strategic Plan 2005–10:

2.1 Celebrate and acknowledge the Town's cultural diversity

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

FINANCIAL/BUDGET IMPLICATIONS:

Of the \$6,000 budgeted for this item, \$4,000 remains unallocated.

COMMENTS:

The Mount Hawthorn Community Church meets the criteria for the Cultural Development Seeding Grants. They will acknowledge the Town's support during the Carols by Candlelight event and in their promotion.

The funding request has been made for \$900, however it is recommended that in line with similar applications \$600 be allocated. Funding of \$500 was provided for a similar event in 2005 under the Cultural Development Seeding Grants.

The Mount Hawthorn Community Church will complete an acquittal report after the event, detailing how the Cultural Development Seeding Grant was expended.

10.3.3 AmpFest (Clash of the Bands)

Ward:	Both	Date:	27 November 2006
Precinct:	All	File Ref:	CMS0079
Attachments:	-		
Reporting Officer(s):	C. Tierney		
Checked/Endorsed by:	J. Anthony M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES in-principle support for the continued funding of “AmpFest (Clash of the Bands)” program for the period 2006/07, 2007/08 and 2008/09; and*
- (ii) *LISTS for consideration in the 2007/08 Budget an amount of \$6,500 for the program.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

PURPOSE OF REPORT:

To approve in-principle support for the continued funding of "AmpFest (Clash of the Bands)" to allow the AmpFest Committee to apply for a three year grant from Healthway in lieu of the usual one year grant.

BACKGROUND:

During the past four years, the Town of Vincent has been a key partner in the successful youth development program “AmpFest (Clash of the Bands)”. Currently run in partnership with the Towns of Mosman Park and Claremont and the Cities of Subiaco and Nedlands, each Local Government Authority has budgeted for \$6,500 (excluding GST) for the project in 2006/07.

Since its inception in 2003 thousands of young people have been involved in the AmpFest project including:

- 181 young bands applied to be part of the competition;
- Over 2850 attending the competition heats and finals; and
- More than 100 Youth Advisory Council Members given the opportunity to develop their skills in event management and community work.

In addition to the funding provided by the participating councils, an annual sponsorship grant from Healthway is critical to the success of this program. Over the past four years, Healthway have contributed the following amounts (excluding GST):

2005/06	\$12,000
2004/05	\$12,000
2003/04	\$ 9,000
2002/03	\$ 9,000

DETAILS:

It is proposed that the AmpFest Committee apply for a three-year funding grant in 2006/07 in lieu of the usual one year grant application. The AmpFest Committee will seek funding of \$14,000 per annum from Healthway to support the increasing demand for the project and encourage further growth, particularly amongst young women who are a specific target for AmpFest. In order to pursue this three-year funding option, Council's in-principle support for continued funding is required.

A three year funding guarantee would allow the AmpFest Committee to implement an ongoing plan to encourage further growth of this project, especially amongst young women who are a key target group.

The AmpFest project has a proven track record of providing developmental and recreational opportunities to local youth, including those not directly associated with a participating band.

As a collaborative project between five local government authorities and with strong sponsorship support, this is a viable project with popular support from the youth community. A secured funding grant for a three year term would allow the AmpFest Committee to undertake a coordinated approach to further extend this worthwhile project.

Some of the key objectives of this program include:

Band Members

- To provide an opportunity for young musicians aged twelve to twenty five years to compete and perform in front of an audience;
- To increase the numbers of female performers participating in youth bands;
- To promote a positive image of young people in the community by show casing their talents in a public arena; and
- To provide AmpFest contestants with real life examples of experiences that music professionals have had in relation to band management, songwriting and recording in studios.

Audience Members

- To provide young people, specifically under 18, an opportunity to enjoy free live music in their local area;
- Make available a safe, universally accessible, alcohol, drug and smoke free event.;
- Assist in developing mentor relationships and inspiration to young people who may consider discovering or learning a musical instrument; and
- Promote the role and benefits of Youth Advisory Councils and encourage young people to be involved with them.

Local Government Authorities, Youth Advisory Councils and Young Volunteers

- Promote the work and initiatives of YACs throughout the community;
- Provide young people with the opportunity to develop skills in planning and implementing a major event. Areas may include advertising, judging and stage management;
- To organise a quality event that is safe and has involved young people in the development, organisation and evaluation;
- To develop links with local schools, specifically the music and art departments; and
- Promote the alcohol, drug and smoke free message and demonstrate to young people that there are positive recreational and art alternatives.

CONSULTATION/ADVERTISING:

AmpFest events are broadly advertised from February to June each in the local papers, industry magazines such as Xpress and Groove magazine, RTRfm, through schools and other key youth organisations.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 -2010 Key Results Areas:

- 2.2 (d) Support and implement the Youth Development Project
- 2.2 (f) Implement mechanisms to improve community participation
- 2.2 (k) Enhancing the lifestyle of the community through the provision of leisure opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

The financial impact of this project (excluding GST) will be:

\$6500 for 2006/07 (included in the 2006/07 Annual Budget)
\$6700 for 2007/08
\$6900 for 2008/09

Funding for this project will continue to be drawn from the annual 'Youth Events' budget.

COMMENTS:

The AmpFest project has been a very successful youth development project for the Town over the past four years, and a three year funding plan would cement its position. It is recommended that in-principle approval be supported.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	28 November 2006
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
17/11/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Football Federation Australia Ltd of Level 7, 26 College Street, Sydney NSW 2000 re: Perth Glory FC v Newcastle Jets - 18 November 2006 (Stadium)
17/11/06	Transfer of Land	1	Town of Vincent and Perpetual Trustee WA Ltd of Angel Place, 123 Pitt Street, Sydney re: acquisition of two Right of Ways as approved by the Council at the Ordinary Meeting held on 7 November 2006 (Lot 168 (ROW) on Plan 2358, Volume 457, Folio 50)

Date	Document	No of copies	Details
20/11/06	Deed of Undertaking	2	Town of Vincent and E R and G Merenda of 55 Mary Street, Como 6152 re: Nos. 4 & 6 (Lots 851 & 850) Anzac Road, North Perth - Demolition of existing carport and patio and construction of additional Two-Storey Single House to existing Single House.
20/11/06	Lease	3	Town of Vincent and Patricia Giles Centre, c/o PO Box 25, Joondalup WA 6027 re: No. 245(Lot 9) Vincent Street, Leederville
20/11/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd, Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Perth Glory Sponsors Night - 22 November 2006 (Gareth Naven Room, Change Room 1 and Pitch)
20/11/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Football Federation Australia Ltd of Level 7, 26 College Street, Sydney NSW 2000 re: Perth Glory FC v New Zealand - 26 November 2006 (Stadium)
20/11/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd, Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Lumacom Event - 29 November 2006 (Gareth Naven Room)
27/11/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Football Federation Australia Ltd of Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 25, 27, 28, 29 November 2006 and 4, 5, 6, 8 December 2006 (Pitch, Change room 1, Chairman's Lounge)
28/11/06	Funding Agreement	2	Town of Vincent and The State of Western Australian, represented by the Director General for the Department of the Premier and Cabinet (Office of Multicultural Interests) re: Harmony Week Event - 2007

10.4.4 6th National Mainstreet Conference, Melbourne and Geelong - Approval to Attend

Ward:	-	Date:	27 November 2006
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Executive Manager Environmental & Development Services, Mayor Nick Catania, Councillor Ian Ker be authorised to attend the 6th National Mainstreet Conference to be held in Melbourne and Geelong from 18-21 March 2007, at an estimated cost of \$2,559 each.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to obtain Council approval for attendance at the 6th National Mainstreet Conference to be held in Melbourne and Geelong from 18-21 March 2007, at an estimated cost of \$2,559 each.

BACKGROUND:

The 6th National Mainstreet Conference - "Creating Successful and Vibrant Places" - is to be held in Melbourne and Geelong from Sunday 18 March 2007 to Wednesday 21 March 2007. The Conference was previously held in 1995, 1997, 1999, 2004 and 2005.

The central focus of the 2007 Mainstreet Conference is "Mainstreets" - whether they be part of a town, region, suburb, city, activity centre or mall. Mainstreets are often the critical driver of a healthy and prosperous community, and increasingly they are required to perform a diverse range of new and challenging functions beyond the traditional one of "a place to do business". In the new millennium Mainstreets are now places where people can work, shop, live, play, meet, relax, enjoy and interact.

There is a far greater recognition of the diversity of these roles and how successful Mainstreets can contribute positively to the physical, social and economic health of our communities. This complexity of roles has demanded a whole host of new tools, approaches, thinking and ideas, all of which will be discussed, debated and delivered at the 2007 Mainstreet Conference. Specifically the conference is seeking to:

- Explore actions and initiatives that have the capacity to tackle the complex range of Mainstreet issues.
- Identify successful mechanisms to co-ordinate the many and varied aspects of Mainstreet revitalisation and management programs.
- Engage, inform, educate and inspire the diversity of stakeholder groups.
- Demonstrate the benefits of working in a collaborative fashion.
- Showcase best practice approaches.

The Conference will have a number of concurrent sessions in the broad streams relating to;

- Streetscape revitalisation
- Community and business partnerships
- Mainstreet branding
- Community safety and access
- Performance indicators and measures of success
- Social perspectives management
- Visual merchandising and marketing
- Tourism, festivals and events
- City, regional and suburban case studies

The Conference Program has not yet been finalised, however, will include a number of expert speakers in various fields.

Councillor Ian Ker has been accepted to present a paper at this Conference and accordingly, has expressed an interest to attend. He will receive a discount on the registration fee. Mayor Catania has also expressed an interest to attend, in view of his important role in the Leederville Masterplan redevelopment project. Mayor Catania is the Chairman of the Town's Leederville Masterplan Working Group. Councillor Ker and the Executive Manager Environmental and Development Services are both members on the Leederville Masterplan Working Group.

Various field trips to precincts which are considered successful will form a part of the program.

FINANCIAL IMPLICATIONS:

	Costs
Conference Registration**	\$880.00
Accommodation (4 nights) (\$180 per night)	\$720.00
Airfare (economy class) **	\$595.00
Expenses allowance (4 days)	\$364.00
	\$2,559.00

* Economy Fare - approximate and subject to flight availability

** Early Bird Registration saving of \$100 per attendee is achieved, if made before 31 December 2006.

LEGAL POLICY:

Council's Policy 4.1.15 – “Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters” - Clause 1.1(i) and (ii) states;

- "(i) When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;

- (ii) *In certain circumstances (for example where the Conference is of a technical nature) and where an Elected Member is not attending the CEO may recommend that two (2) officers attend, in lieu of the Elected Member. In this instance, the CEO will specify reasons in the report to the Council."*

The attendance of two Elected Members at an interstate conference (together with an Officer) is a variation to the Council policy. However, in view of the importance of the matter, the Chief Executive Officer believes it is justified for the following reasons:

1. The Council will be upgrading its shopping precincts (William Street, Mount Hawthorn, Oxford Street) progressively over the next few years and this conference, which is specific to Mainstreet matters, will provide important information.
2. Economic development is an important aspect of these projects and the Executive Manager and Elected Members will benefit from attending the Conference.
3. Mayor Catania is the Chairman of the Town's Leederville Masterplan Working Group and has a very important role in the project. Councillor Ker is also a member of the Working Group.
4. The conference is only held every 2 years, with the last conference held in 2005 in New Zealand.

It is therefore recommended that the Executive Manager Environmental & Development Services attend, as he will be directly responsible for the planning and urban design aspects of the project.

Previous Attendance - Policy 4.1.13 - Clause 1.2

This is the first occasion that the Executive Manager Environmental & Development Services has applied to attend a National Mainstreet Conference. The Chief Executive Officer, Executive Manager Technical Services and Councillor Maddalena Torre attended this Conference in Melbourne in 2004. The Chief Executive Officer and Councillor Simon Chester attended this Conference in 2005.

STRATEGIC IMPLICATIONS:

Attendance at the National Mainstreet Conference is an excellent opportunity for the Town to be appraised of issues relating to streetscapes and commercial precincts and to network with colleagues and view actual examples of successful projects.

The Town's Strategic Plan 2006-2011, Strategic Objective No. 1 - "Natural and Built Environment"; in particular 1.1 - *"Improve and maintain environment and infrastructure"* - 1.1.1 - *"Capitalise on the Town's strategic location, its centres and commercial areas"* and Strategic Objective No. 2 - Economic Development; in particular 2.1 - *"Progress Economic development with adequate financial resources"* - 2.1.1 - *"Promote the Town of Vincent as a place for investment appropriate to the vision for the Town."*

The Council has "Approved in Principle" of the Leederville Masterplan Redevelopment. This will cost approximately \$600 million (depending upon the delivery model). The information from this Conference will be most beneficial.

COMMENT:

It is requested that approval be granted for the Executive Manager Environmental & Development Services, Mayor Catania and Councillor Ker to attend the 6th National Mainstreet Conference.

(In the event that additional nominations are received from Elected Members to attend the Conference, the Council will need to consider the matter and conduct a ballot, if necessary.)

10.4.5 Certified Practising Accountants (CPA) 2007 National Public Sector Convention - Brisbane, Queensland - Approval to Attend

Ward:	-	Date:	28 November 2006
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Executive Manager Corporate Services and up to one (1) Elected Member..... (to be nominated) to attend the CPA National Public Sector Convention to be held in Brisbane , Queensland on 21 - 23 March 2007 at an estimated cost of \$3,655 each.

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

Note: No Elected Member will be attending as no nominations were received.

COUNCIL DECISION ITEM 10.4.5

That the Council AUTHORISES the Executive Manager Corporate Services to attend the CPA National Public Sector Convention to be held in Brisbane , Queensland on 21 - 23 March 2007 at an estimated cost of \$3,655 each.

PURPOSE OF REPORT:

The purpose of the report is to obtain approval to attend the CPA 2007 National Public Sector Convention to be held in Brisbane Queensland from 21 - 23 March 2007.

BACKGROUND:

The National Public Sector Convention is a biennial event that will provide an insight into the opportunities and challenges critical to the delivery of outcomes in the Public Sector. It will also be invitation to discover and learn solutions to tackle a diverse range of public sector issues.

The public sector landscape and outlook continues to evolve and be responsive to community expectations and demands. With the continuing impact of an ageing population, environmental and social pressures and uncertain global outlook the public sector must be responding to emerging social demands.

The 2007 National Public Sector Convention will provide information on the future trends and opportunities to add value in the roles as public sector finance professionals.

The event features an exceptional line of international and national speakers who will speak on a diverse range of topics essential to the development of the public sector.

The Keynote addresses at the convention include the following topics:

- The Future of the Public Sector 20 years on.
- The Front Line: How Perfect Planning, Risk Assessment and Quick Response Can Be the Difference Between Life and Death.
- Government Financial Reporting: Is it Meeting the Needs of Users?
- The New Public Governance and Accountability Challenges in Public Sector Management: Lessons from the Recent Canadian Experience.
- Outlook for the Australian and World Economies: Where Are We Going?

There are over fifty (50) concurrent sessions, topics include:

- The Case for Sustainability Reporting by the Public Sector.
- Transforming Finance - How to Best Add Value to Organisation Strategy.
- Corporate Governance in 2007 and Beyond.
- Embedding Corporate Sustainability to Create a Sustainable Future.
- Insights into Budgeting and Forecasting.
- Simplifying Internal and External Reporting for All levels of Government.
- Performance Management in the Public Sector - An International Perspective.
- Financial Sustainability Reviews in Local Government.

A copy of the Program is "Laid on the Table".

As can be seen the Convention will cover a wide range of financial and management issues related to the Public Sector. Many of which will have implications for the Town of Vincent both now and in the future.

This is a significant national event for the finance professionals in the public sector. The Executive Manager is qualified Certified Practising Accountant (CPA) and as such is required to complete a required number of professional developments hours in a year. The attendance at this Convention would make a significant contribution to the required hours.

It is also a major opportunity to network with other finance professionals in the public sector from around the country, with approximately 700 persons expecting to attend.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Council's Policy 4.1.15 - "Conferences & Training - Attendance , Representation , Travel & Accommodation Expenses and Related Matters" Clause 1.1 (i) states:

- "(i) When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;
- (ii) In certain circumstances(for example where the Conference is of a technical nature) where an Elected Member is not attending the CEO may recommend that two officers attend , in lieu of the Elected Member. In this instance the CEO will specify reasons in the report to the Council".

The Town has not previously attended this Convention.

The Executive Manager Corporate Services Contract of Employment entitles the Executive Manager Corporate Services to attend one inter - state conference per annum.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Four of the Strategic Plan 2005 - 2010 - 1.4 (c) "*Actively participate in community Local State and Federal Government forums and professional seminars*".

FINANCIAL/BUDGET IMPLICATIONS:

	Costs
Conference Registration*	\$1,595.00
Accommodation (4 nights) (\$213 per night)	\$852.00
Airfare (economy class)#	\$820.00
Expenses allowance (4 days)	\$388.00
	<u>\$3,655.00</u>

* *Early Bird Registration, CPA Member cost. The non-member cost is \$1,925.*

Subject to availability.

COMMENTS:

The National Public Sector Convention is major event for the finance professionals in the Public Sector. The line up of speaker is of the highest quality and with a wide range of topics to be covered it will be most beneficial for the Executive Manager Corporate Services to attend this Convention. It should be noted that this is a biennial event and the Town has not previously been represented at this Convention.

The Executive Manager Corporate Services is a Certified Practising Accountant (CPA). He will benefit from attendance at the convention from the knowledge obtained on the current and future financial issues and trends in the public sector.

Accordingly, the Chief Executive Officer supports the attendance of the Executive Manager Corporate Services at this Convention.

It is recommended that approval be granted for the Executive Manager Corporate Services and up to one (1) Elected Member (if a nomination is received) to attend the CPA National Public Sector Convention to be held in Brisbane, Queensland on 21 - 23 March 2007.

10.4.7 Information Bulletin

Ward:	-	Date:	29 November 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 5 December 2006, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.7

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

DETAILS:

The items included in the Information Bulletin dated 5 December 2006 are as follows:

ITEM	DESCRIPTION
IB01	Letter of Appreciation from Mr and Mrs Murphy of Mount Hawthorn in recognition of 60th Wedding Anniversary
IB02	Letter of Appreciation from the St Rocco Association for assistance given by Town
IB03	Letter of Appreciation from Ms Beatrice Prideaux for assistance given by Town
IB04	Letter from Minister for the Environment; Racing and Gaming, the Hon Mark McGowan, MLA regarding the Mindarie Regional Resource Facility
IB05	Letter from John Hyde, MLA - Member for Preth - acknowledging letter from Town regarding Prostitution Law Reform
IB06	Register of Petitions - Progress Report - December 2006
IB07	Register of Notices of Motion - Progress Report - December 2006
IB08	Register of Reports to be Actioned - Progress Report - December 2006
IB09	Register of Legal Action
IB10	Register of State Administrative Tribunal Appeals
IB11	Forum Notes - 14 November 2006
IB12	Notice of Forum - 12 December 2006

10.1.9 No.148 (Lot 64 D/P: 2360) Carr Street, West Perth - Proposed Additional Three (3) Two (2) Storey Plus Lofts Grouped Dwellings and Alterations Existing Single House

Ward:	South	Date:	29 November 2006
Precinct:	Cleaver; P05	File Ref:	PRO3362; 5.2006.462.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Bruce Arnold Architects on behalf of the owner A J Burns & A M & J L Dragojevich for proposed additional Three (3) Two (2) Storey Plus Lofts Grouped Dwellings and Alterations to Existing Single House, at No. 148 (Lot: 64 D/P: 2360) Carr Street, West Perth, and as shown on revised plans stamp-dated 20 November 2006 and 3 November 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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Carr 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);*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate along the Carr 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, or 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;

- (iv) *first obtaining the consent of the owners of No. 150 Carr 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.150 Carr Street in a good and clean condition; ~~and~~*
- (v) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

"The Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.'; and

- (vi) prior to issue of Building Licence, revised plans shall be submitted and approved demonstrating adequate motor vehicle manoeuvring to/from the garages of Units 2, 3 and 4 within the subject site in accordance with the Town's Policy relating Parking and Access. The revised plans shall not result in any greater variation of 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.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Ker

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

"(vii) the ensuite bathroom in each of the lofts for Units 2, 3 and 4 shall not be converted into a balcony or other space or use that will result in the need for doors or windows, other than for those shown on the approved plans."

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

That the Item be DEFERRED to allow for more accurate plans to be provided, in particular dormer windows to the loft.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

Landowner:	A J Burns & A M & J L Dragojevich
Applicant:	Bruce Arnold Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1017 square metres
Access to Right of Way	Not applicable, as the eastern side vehicle access way is to Beattie Lodge and is not a right -of way as shown on the site plan.

BACKGROUND:

26 April 2006 The Council at its Ordinary Meeting considered an application for *proposed* additional five (5) two-storey single bedroom grouped dwellings with studios to existing single house, at No. 148 (Lot 64) Carr Street, West Perth, and resolved:

“That the Item be DEFERRED for further investigation.”

25 July 2006 The Council at its Ordinary Meeting considered an application for *proposed* additional five (5) two-storey single bedroom grouped dwellings with studios to existing single house, at No. 148 (Lot 64) Carr Street, West Perth, and resolved:

“That the Item be DEFERRED as requested by the applicant.”

8 August 2006 The Council its Ordinary Meeting resolved to refuse the application for proposed additional five (5) two-storey single bedroom grouped dwellings with studios to existing single house at No. 148 (Lot 64) Carr Street, West Perth, for the following reasons:

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

(ii) the non-compliance with the upper floor building on boundary and upper floor setback requirements of the Residential Design Codes; and

(iii) consideration of the objections received.”

DETAILS:

The proposal involves the retention and upgrade of the existing house, including the provision of two (2) additional car bays, and three (3) additional two-storey grouped dwellings with lofts.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	5.63 dwellings R 60	4 grouped dwellings R 40	Noted-no variation.
Plot Ratio	0.65 or 659 square metres	0.70 or 715 square metres	Supported - as the variation would not unduly affect the amenity of the area, as the floor area is contained within the acceptable wall and building height of the proposed dwellings.
Setbacks: Ground floor-north elevation	1.5 metres	1.2 metres	Supported - as the variation is not considered to have an undue impact on the affected neighbour.
Ground floor-east elevation	1.5 metres	1.4 metres	As above
First floor-north elevation	1.5 metres	1.2 metres	As above
First floor-east elevation	6.3 metres	3.5 metres to 5.9 metres	As above
Loft-east elevation	5.6 metres	4.5 metres to 7 metres	As above
Loft-west elevation	2.4 metres	2.1 metres to 3.18 metres	As above
Privacy setbacks: Balconies of Units 2, 3 and 4, dining rooms of Units 2 and 3 and bedroom 1 of Unit 4-facing vehicular access way on the eastern property.	7.5 metres, 6 metres and 4.5 metres respectively	Minimum 2.5 metres, 4.5 metres and 2.7 metres respectively to eastern lot boundary.	Supported-as the overlooking is into the eastern property's vehicular access way.

Consultation Submissions		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> Variation of plot ratio results in over development of site and encroachment into the landscaping area. 	Not supported-as the development is at the rear of the property and complies with the open space requirements.
	<ul style="list-style-type: none"> Loft-west side setback variation results in a feeling of confinement. 	Not supported - as the setback variation is not considered to have an undue impact on the affected neighbour.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

The above proposal is a better development outcome, when compared to the previous proposal refused by the Council at its Ordinary Meeting held on 8 August 2006, in terms of bulk and scale, and overall the development is considered compatible and in keeping with density of other development in the surrounding vicinity.

It is therefore recommended that the Council approve the above proposed development, subject to standard and appropriate conditions to address the above matters.

10.1.4 Nos. 16-18 (Lot 36 D/P: 3660) Knutsford Street, North Perth - Proposed Conversion of Six (6) Multiple Dwellings to Three (3) Two-Storey Grouped Dwellings and Construction of an Additional Three (3) Two-Storey Grouped Dwellings and Associated Undercroft Car-Parking

Ward:	North	Date:	27 November 2006
Precinct:	North Perth; P8	File Ref:	PRO3193; 5.2005.2864.1
Attachments:	001		
Reporting Officer(s):	L Mach, S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by P Smith on behalf of the owner A F Princi, P V Smith and S J Pigliardo for proposed Conversion of Six (6) Multiple Dwellings to Three (3) Two-Storey Grouped Dwellings and Construction of an Additional Three (3) Two-Storey Grouped Dwellings and Associated Undercroft Car-Parking, at Nos. 16-18 (Lot 36 D/P: 3660) Knutsford Street, North Perth, and as shown on plans stamp-dated 23 November 2006, subject to:

- (i) *any new street/front wall, fence and gate between the Knutsford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Knutsford Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *the carport segmented door of Townhouses 4, 5 and 6 facing the right of way shall be visually permeable, with a minimum 50 per cent transparency;*
- (v) *the carports adjacent to Knutsford Street shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*
- (vi) *first obtaining the consent of the owners of No. 20 Knutsford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 20 Knutsford Street in a good and clean condition; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the balcony of Townhouse 1 on the eastern elevation on the upper floor, being screened with a permanent obscure material and non openable to a minimum of 1.6 metres above the finished first floor level within the 7.5 metres 'cone of vision' to the northern boundary as stipulated in the Residential Design Codes. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 20 Knutsford Street stating no objections to the proposed privacy encroachment;*
 - (b) *the window to the kitchen of Townhouse 6 on the eastern elevation on the first floor, 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 window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 11 Mabel Street stating no objections to the proposed privacy encroachment; and*
 - (c) *the front setback area being adequately landscaped to reduce the visual impact of the driveways 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.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

“(vii) (d) the carports of Townhouses 1, 2, and 3 adjacent to Knutsford Street being redesigned to be in keeping with the style of the existing building.”

Debate ensued.

AMENDMENT CARRIED (6-1)

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

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

Debate ensued.

MOTION AS AMENDED LOST (1-6)

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

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

Reasons:

- 1. The extent of density bonuses sought is unreasonable.**
- 2. Not meeting minimum site area requirements.**
- 3. Non-compliance with building height requirements.**
- 4. Carports facing Knutsford Street are too narrow for double carports resulting in insufficient on-site parking.**
- 5. Non-compliance with the Town’s Parking and Access Policy.**

6. **Impact of carports on streetscape and loss of on-street parking.**
7. **Consideration of objections received.**

Landowner:	A F Princi & P V Smith & S J Pigliardo
Applicant:	P Smith
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Multiple Dwellings
Use Class:	Grouped Dwellings
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	South side, 7.0 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves conversion of six (6) multiple dwellings to three (3) two-storey grouped dwellings and construction of an additional three (3) two-storey grouped dwellings and associated undercroft car-parking. The applicants submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	3 dwellings - R30 or 4 dwellings - R 40. Existing density - R 59.3 (6 dwellings)	6 dwellings - R 59.3 78 per cent density bonus in comparison to R30 standards; or 30 per cent density bonus in comparison to R40 standards.	Supported- does not seek greater variation from current situation (i.e. existing 6 dwellings) and can be considered under Clause 20(2)(b) of TPS 1, which allows for a density bonus of up to 50 per cent where the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention (refer to heritage comments).
Plot Ratio	N/A	N/A	Noted.
Minimum Site Area	200 square metres (R40) or 160 square metres (R50 or R60). (Clause 20 (3) of the of TPS1 states where the Council allows an increase in	Townhouse 1 - 170 square metres Townhouse 2 - 150 square metres Townhouse 3 - 127 square metres	Supported - variation supported in light of the site constraints relating to retention of existing building and abutting right of way reduces the perceived site's 'confinement'.

	the permitted dwelling density, the standards and provisions of the Residential Design Codes which relate to that higher density are to apply).	Townhouse 4 - 143 square metres Townhouse 5 - 140 square metres Townhouse 6 - 143 square metres	
Open Space	45 percent	Townhouse 2 - 44 per cent Townhouse 3 - 43 per cent	Supported- as there are site constraints relating to the retention of the existing dwellings, minor variation in this instance, and overall site open space is compliant (i.e. 48 per cent).
Setbacks			
Ground Floor - North (Townhouse 1- Store)	1.0 metre	Nil	Supported- compliant with Cl.3.3.2 of the R-Codes- 'Building on Boundary'. Supported - no undue impact and no objection received from affected neighbour.
- East (Townhouse 6)	3.5 metres (or 1.7 metres if no major openings)	1.965 metres	
Carports Width	Not to exceed 50 per cent	Townhouse 1 – 60 per cent Townhouse 2 – 74 per cent Townhouse 3 – 70 percent	Supported- carport design is 'light weight and minimal', allows for clear view of dwellings and has been kept to minimum width requirement.
Building Height	7.0 metres	Up to 8.6 metres	Supported- no undue impact given significant vertical building staggering from the right of way elevation, significant slope of the land, context of adjoining building (as shown on southern elevation), major bulk of building is contained within centre on block and no objections received from eastern neighbour (where it abuts a driveway and is considered to have most impact).

Driveway Width	40 per cent - no single crossover wider than 6m and in aggregate no greater	Townhouse 2 – 46 per cent Townhouse 3 – 44 per cent -10.8 metres in aggregate	Support in part- minor variation in this instance and has been conditioned that appropriate landscaping be provided to reduce impact on streetscape.
Privacy Setbacks	Balconies and outdoor habitable areas -7.5 metres Habitable rooms other than bedroom -6.0 metres	Balcony of Townhouse 1- 2.0 metres to northern boundary. Kitchen of Townhouse 6- 1.965 metres to eastern boundary.	Not supported – undue impact and has been conditioned to comply.
Pedestrian Access Way	1.5 metres	1.0-1.5 metres	Supported- constraints in relation to retention of existing dwellings.
Consultation Submissions			
Support (3)	<ul style="list-style-type: none"> • Proposal will improve and clean area of North Perth. • Proposal will upgrade area. • Proposal will take away fire hazard at rear of block. • No objections to height and density. 		Noted.
Objection (4)	<ul style="list-style-type: none"> • Minimum site area • Density • Open space • Setbacks • Quantity, style and width of carports • Building height • Driveway width • Visitor car bays • Privacy/overlooking to south and north 		<p>Not supported- refer to above.</p> <p>Not supported- refer to above.</p> <p>Not supported- refer to above.</p> <p>Not supported-refer to the above.</p> <p>Not supported- as two car bays are required for each dwelling and also, refer to above.</p> <p>Not supported- refer to above.</p> <p>Supported in part- refer to above.</p> <p>Not supported- requirement for visitor car bays not required in this instance.</p> <p>Supported in part- overlooking to the north has been addressed via standard conditions and privacy requirements have been met in relation to the south.</p>

	<ul style="list-style-type: none"> • Pedestrian accessway • Building should be heritage listed • Loss of trees • Federation style building would be more in keeping with streetscape • Loss of views • Reduction of property values 	<p>Not supported- refer to above.</p> <p>Not supported - refer to 'heritage comments' below.</p> <p>Not supported- Parks Services have advised that there are no trees worthy of retention on-site and that all verge trees to be removed will require replacement.</p> <p>Not supported- new appropriate contemporary designs are generally supported by the Town and not considered to have an undue impact.</p> <p>Not supported - not a major planning consideration.</p> <p>Not supported- as above.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

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

COMMENTS:

Heritage Comments

The Wise Post Office Directories indicates that the subject place at Nos. 16 and 18 Knutsford Street, North Perth was constructed circa 1941. Built in the Inter-war Contemporary style or architecture, the place appears to maintain its original presentation to the street. However, the place at is not currently listed on the Town of Vincent's Municipal Heritage Inventory (MHI).

The provision of density bonuses is not restricted to places that are on or meet the threshold for inclusion into the MHI. As stipulated in the Knutsford Locality Plan No. 18 *"the retention and/or restoration of existing housing contributing to the historic character of the area will be encouraged"*. The Town's Heritage Officers consider that the subject place is worthy of retention, as it has value in the evolution of the locality and is indicative of the type of flats that were constructed in the Town of Vincent during the inter-war period.

Whilst the place is of interest, it was not proposed for listing on the Town's Municipal Heritage Inventory as other flats from the inter-war period, within the locality were identified, which exhibited greater stylistic detail.

Conclusion

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

10.1.3 Further Report - Amendment No. 40 to Planning and Building Policies - Policy Relating to Appendix No.17 Design Guidelines for Lacey Street, Perth

Ward:	South	Date:	27 November 2006
Precinct:	Beaufort, P13	File Ref:	PLA 0174
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.3, resulting from the advertised version having been reviewed and with regard to thirteen (13) written submissions received during the formal advertising period and one late submission as shown in attachment 10.1.3(b), 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 Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.3, in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1;*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Appendix No.17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.3, in accordance with Clause 47(6) of the Town's Town Planning Scheme No. 1; and*
- (iv) *AUTHORISES the Chief Executive Officer to consider a unique streetscape upgrading program for Lacey Street inclusive of street trees, paving and signage in keeping with its particular character.*

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Ker

That:

- 1. *clause (iv) be amended to read as follows:*

"(iv) AUTHORISES the Chief Executive Officer to consider a unique streetscape upgrading program for Lacey Street inclusive of street trees, paving and signage in keeping with its particular character during the Draft 2007/2008 Budget process;" and

2. *a new clause (v) be added as follows:*

"(v) REQUESTS the Chief Executive Officer to submit an Expression of Interest to the Office of Energy to underground the power in Lacey Street as part of Round Four of the Localised Enhancements Projects Scheme."

AMENDMENT CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

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

"(ii) ADOPTS the final amended version of the Policy relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.3, in accordance with Clause 47(5)(b) of the Town's Town Planning Scheme No. 1, subject to the Policy being amended as follows:

Element	Objective	Design Response	Avoid
...			
Height and Building Form	To: <ul style="list-style-type: none"> interpret the physical qualities and valued building styles in a contemporary design approach. ensure that buildings and extensions do not visually dominate the streetscape. 	<p>Reflect the dominant building forms in the street, including roof forms and building proportions, in the new building design.</p> <p>Respect the dominant single storey building height in the street. The height at the front of the dwelling should be single storey wall height. <u>The height of the dwelling at the front of the dwelling should match the street's typical single storey wall height.</u></p> <p>Above ground level extensions should be recessed from the front façade, and be designed so that it is not visible from the street, with complimentary roof forms and building massing. (refer diagram)</p>	Loss of the single storey streetscape.
Materials and design detail	To use building materials and finishes that complements the dominant pattern within the streetscape.	<p>Walls, roof and fences are complementary to the existing building in terms of materials, finishes, textures and paint colours and are appropriate to its architectural style.</p> <p><u>New buildings (including gateway properties) and alterations and additions to existing buildings may be contemporary and innovatively designed, provided it is sympathetic to the rhythm, and scale, form and proportions of existing development along Lacey Street.</u></p>	Inaccurate period reproduction styles and detailing inappropriate to the era and styles in the street."

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber on official business and did not vote.)

Debate ensued.

At 7.40pm Mayor Catania returned to the meeting and assumed the Chair.

Debate ensued.

MOTION AS AMENDED CARRIED (5-3)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.3

That the Council;

- (i) ***RECEIVES the final amended version of the Policy relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.3, resulting from the advertised version having been reviewed and with regard to thirteen (13) written submissions received during the formal advertising period and one late submission as shown in attachment 10.1.3(b), 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 Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.3, in accordance with Clause 47(5)(b) of the Town's Town Planning Scheme No. 1, subject to the Policy being amended as follows:***

Element	Objective	Design Response	Avoid
...			
Height and Building Form	<p>To:</p> <ul style="list-style-type: none"> • interpret the physical qualities and valued building styles in a contemporary design approach. • ensure that buildings and extensions do not visually dominate the streetscape. 	<p>Reflect the dominant building forms in the street, including roof forms and building proportions, in the new building design.</p> <p>Respect the dominant single storey building height in the street. The height at the front of the dwelling should be single storey wall height. <u>The height of the dwelling at the front of the dwelling should match the street's typical single storey wall height.</u></p> <p>Above ground level extensions should be recessed from the front façade, and be designed so that it is not visible from the street, with complimentary roof forms and building massing. (refer diagram)</p>	Loss of the single storey streetscape.
Materials and design detail	To use building materials and finishes that complements the dominant pattern within the streetscape.	<p>Walls, roof and fences are complementary to the existing building in terms of materials, finishes, textures and paint colours and are appropriate to its architectural style.</p> <p><u>New buildings (including gateway properties) and alterations and additions to existing buildings may be contemporary and innovatively designed, provided it is sympathetic to the rhythm, and scale, form and proportions of existing development along Lacey Street.</u></p>	Inaccurate period reproduction styles and detailing inappropriate to the era and styles in the street."

- (iii) ***AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Appendix No.17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.3, in accordance with Clause 47(6) of the Town's Town Planning Scheme No. 1; and***

- (iv) *AUTHORISES the Chief Executive Officer to consider a unique streetscape upgrading program for Lacey Street inclusive of street trees, paving and signage in keeping with its particular character during the Draft 2007/2008 Budget process; and*
 - (v) *REQUESTS the Chief Executive Officer to submit an Expression of Interest to the Office of Energy to underground the power in Lacey Street as part of Round Four of the Localised Enhancements Projects Scheme.*
-

FURTHER REPORT:

The Council at its Ordinary Meeting held on 26 September 2006 considered the proposed Policy Amendment and resolved that the Item be DEFERRED for discussion at an Elected Members Forum.

An Elected Members Forum was held on 14 November 2006 to discuss the draft Policy relating to Appendix No. 17 - Design Guidelines for Lacey Street, Perth. Matters relating to objections received during the advertising period were discussed at the Forum, along with the implications of the Policy on owners wishing to demolish properties and owners of gateway properties.

The Town's Officers also noted that the draft Policy does not propose rezoning; the land is currently zoned Residential/Commercial R80 and that commercial use of land is subject to the requirements set out in Policy No.3.1.13 relating to the Beaufort Precinct. The draft Policy statement encourages the restoration of former residences and a residential population. As such, existing commercial uses may continue as approved and any new uses are subject to the existing provisions of the Beaufort Precinct Residential/Commercial zoning.

It is further noted that in the event of demolition, the draft Design Guidelines outline that: *'New buildings (including gateway properties) and alterations and additions to existing buildings may be contemporary and innovatively designed, provided it is sympathetic to the rhythm and scale of existing development along Lacey Street.'* Accordingly, new development would need to maintain the consistency of building setbacks and height in the street.

In light of the above, the previous Officer Recommendation remains unchanged. The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 September 2006:

"OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.12, resulting from the advertised version having been reviewed and with regard to thirteen (13) written submissions received during the formal advertising period and one late submission 10.1.12(b), 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 Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.12, in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1;*

- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Appendix No.17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.12, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1; and*
- (iv) *AUTHORISES the Chief Executive Officer to consider a unique streetscape upgrading program for Lacey Street inclusive of street trees, paving and signage in keeping with its particular character during the Draft 2007/2008 Budget process.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That the Item be DEFERRED for discussion at an Elected Member's Forum.

CARRIED (7-2)

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

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the submissions received during the advertising period for this Policy and to present to the Council the final version of the Policy relating to Appendix No.17 - Design Guidelines for Lacey Street, Perth 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 27 June 2006 resolved the following:

"That the Council;

- (i) *RECEIVES the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.16;*
- (ii) *ADOPTS the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, and that it be applied immediately subject to;*

- *An additional paragraph being inserted prior to the existing first paragraph in the draft Policy Statement section of the Design Guidelines as follows:*

“The aim of these Guidelines is to retain and enhance the significant and distinctive qualities and characteristics of Lacey Street. It is the intention of these Guidelines that the original building stock in Lacey Street be retained and that alterations and additions to these buildings is carried out in a way which respects the integrity and continuity of the original building stock and streetscape.”

(iii) *ADVERTISES the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

- (a) advertising a summary of the subject Draft 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 Draft Policy; and*
- (c) forwarding a copy of the subject Draft Policy to the Western Australian Planning Commission; and*
- (d) apply the Draft Policy in the interim; and*

(iv) *after the expiry of the period for submissions:*

- (a) REVIEWS the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, having regard to any written submissions; and*
- (b) determines the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, with or without amendment, to or not to proceed with them.”*

DETAILS:

During discussion of the item at the Ordinary Meeting of the Council held on 27 June 2006, Elected Members raised a number of queries in relation to the draft Policy. The following queries were recorded from the meeting:

- *What is the nature of the document and how will it be applied; and*
- *How will it be enforced.*

In this respect, the intention of the Guidelines is to acknowledge the unique streetscape of Lacey Street as outlined in the Guidelines and to protect its integrity and character. Until the new Town Planning Scheme, inclusive of its townscapes, is adopted and gazetted, streetscapes of this nature will go unprotected. As such, it is considered necessary, in the meantime, that Lacey Street be considered under the umbrella of specific Design Guidelines, until townscape guidelines are prepared as part of the Local Planning Strategy and considered by the Council. These Guidelines would operate not unlike the other Design Guidelines contained in the Appendices of the Planning and Building Policy Manual.

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.

			<p><i>developing the two blocks into a two storey complex with the appropriate façade facing Lacey Street. We have already had previous plans drawn up and intend proceeding with the project. We do and will vigorously oppose any attempt to reduce our property in value, stop us from developing the properties, which in turn would reduce us to operate out of medieval dumps."</i></p> <p><i>Letter dated 11 September 2006</i></p> <p><i>"We hereby put you and your Shire on notice that following legal advice should your Shire make any decision that effects our ability to develop our above properties we will be seeking damages from your Shire and those damages will be substantial."</i></p>
<i>Support</i>	<i>Dr Tracey Summerfield</i>	<i>No. ... Lacey Street</i>	<p><i>Letter dated 18 July 2006</i></p> <p><i>"Having been a homeowner in Lacey Street for 21 years, I write in support of the proposed amended Design Guidelines and the rationale for these Guidelines. ...The benefits to the community of protecting unique sites far outweigh the costs of limiting development. There is reasonable scope for development within the inner city environs, without the need to interfere with areas that are unique in character. Limiting the development potential will have a negligible effect on the development of the inner-city. Any interference with the streetscape of streets such as Lacey Street, on the other hand, would have irrevocable effects; eradicating an important cultural and historical record and denying the broader community the benefit of access to character precincts."</i></p>
<i>Objection</i>	<i>Brian and Ruth Combley</i>	<i>Co-owner of Unit ..., No. ... Stirling Street</i>	<p><i>Letter dated 20 July 2006</i></p> <p><i>"We wish to record our very strong objections to the above proposals, ...Our property is already a commercial property, as it is not part of Lacey Street, being on Brisbane and Stirling Streets...It is in no way part of the 'gateway to Lacey Street'...and it is neither of a similar construction or vintage to the proposed Lacey Street precinct.... *Parking and access is already a real problem with no provision for off street parking.</i></p> <p><i>*Blocks are too small to allow for acceptable size housing and will result in existing housing becoming run-down and dilapidated as the value will be reduced and the ability to on-sell will diminish....."</i></p> <p><i>It is noted that a follow-up telephone discussion between the Town's Officers and Mr Combley allayed a number of the concerns</i></p>

			<i>outlined above, notably, that only that portion of the property facing Lacey Street would be scrutinized in terms of its contribution to the street. The subject land is currently used as a car park.</i>
<i>Objection</i>	<i>Bruno R Schifferli</i>	<i>Owner Unit ... , No. ... Stirling Street</i>	<i>Letter dated 31 July 2006 "Although this block of office units is on the corner of Stirling and Brisbane Streets it appears you are considering it as a 'gateway property' as the car park entrance is on Lacey Street. We do not believe that future redevelopment will affect the streetscape of Lacey Street. ...Any restrictions on future development of this site would be a penalty for the current owners. The current building and car park do not enhance Lacey Street' 'open, single storey streetscape' therefore we do not see why they should be included in any future planning and building policies for Lacey Street."</i>
<i>Objection</i>	<i>S L Quirke</i>	<i>Owner No. ... Lacey Street</i>	<i>Letter received 2 August 2006 "I completely oppose your proposal for Lacey Street, Perth. The guidelines outlined are archaic and backward thinking. No benefit would be gained from agreeing to these preposterous restrictions being placed on the land owners of Lacey Street."</i>
<i>Support</i>	<i>Tony Murdoch</i>	<i>Owner No. ... Lacey Street</i>	<i>Email dated 4 August 2006 "I strongly agree with the decision to implement guidelines for Lacey Street.... I can't believe that the Council has taken so long to put in place strategies to protect and then provide incentives to renovate an area almost in original condition....Could the streetscape be given some attention as well. Matching trees, footpaths, signage etc."</i>
<i>Objection</i>	<i>Robert Walsh</i>	<i>Owner No. ... Lacey Street</i>	<i>Letter dated 8 August 2006 "...I do not agree with your opinion that Lacey Street is a unique street possessing qualities...Lacey Street has few 'true' federation style dwellings, apart from the three examples you have represented with the photographs...there already exists rather shabby looking commercial properties at the North West and South West end of the street and several of the houses have already been altered from their original design shape and size. I do not agree with your list of issues and threats. I firmly disagree with your suggestions...on the grounds that the Town of Vincent has sufficient powers to keep the buildings in Lacey Street suitably compliant with its existing historic attributes. I do not believe your opinions regarding the significant</i>

			<i>and distinctive qualities and characteristics of Lacey Street are founded on fact and., in my view, you have not presented any evidence supporting your claim,..."</i>
<i>Objection</i>	<i>A & M Gurgone</i>	<i>Owners No. ... Lacey Street</i>	<i>Letter dated 7 August 2006 "...we wish to object...We purchased the property in 1986, we wanted to work from this property, which we did..., and eventually building living quarters there. ..we moved the business to another property and then leased the property out, with the intention of later developing the property...In both Pier and Stirling Sts there are properties that have been built to three storeys...It appears that the proposed design guidelines would prevent this...it would be a gross miscarriage of justice if,...., we were not able to build to two or three storeys as other property owners in the two streets on either side of Lacey St. (Pier & Stirling Sts)."</i>
<i>Objection</i>	<i>Kevin Smyth</i>	<i>Owner Unit ..., No. ... Stirling Street</i>	<i>Letter dated 6 August 2006 "...note my objection...3/266 Stirling Street was purchased as a commercial property with a view to possible develop at a future date. Any restriction to the height or development of the car park areas will significantly devalue the property. The area is mainly commercial; it is the residences in Lacey Street which is out of character...It is wrong and unjust of the Council to make changes to any existing planning laws when the buildings were purchased in good faith with no hindrance. The changes outlined in the amendment will cause the properties in Lacey Street to fall into disrepair and further devalue the area. ...Double storey commercial or residential units at the so called gateway to Lacey Street would in no way detract from the character of existing buildings if designed correctly within existing planning permission...."</i>
<i>No Objection</i>	<i>Western Power</i>	<i>No. ... Prinsep Road, Jandakot</i>	<i>'...there are no objections to the works you propose to carry out ...'</i>

It is noted that the owners of No. 70 Brewer Street provided comment with respect to the inclusion of the property in the draft Policy. The owners were subsequently advised that the intention of the guidelines is to only include those properties fronting Lacey Street. The property at No. 70 Brewer Street was unintentionally included due to a 'GIS' mapping error and has been excluded from the map outlined in the amended draft Policy. Similarly, the map has been amended to include only that portion of No. 266 Stirling Street which fronts Lacey Street.

The comments made regarding the condition of the Lacey Street streetscape and requests for improvement are acknowledged and have been discussed with the Town's Technical Services Officers. It is noted that Lacey Street has also been the subject of discussion at the Local Area Traffic Management Advisory Group with respect to traffic management and parking issues.

With respect to the following points raised during the advertising period, responses are provided:

"It is patently unjust to change back to residential an area that has been changed from residential to commercial."

The draft Policy does not propose rezoning; the land is currently zoned Residential/Commercial R80, commercial use of land is subject to the requirements set out in Policy No. 3.1.13 relating to the Beaufort Precinct. The draft Policy statement encourages the restoration of former residences and a residential population. As such, existing commercial uses may continue as approved and any new uses subject to the existing provisions of the Beaufort Precinct Residential/Commercial zoning.

"In both Pier and Stirling Sts there are properties that have been built to three storeys...It appears that the proposed design guidelines would prevent this...it would be a gross miscarriage of justice if,...., we were not able to build to two or three storeys as other property owners in the two streets on either side of Lacey St. (Pier & Stirling Sts)."

Whilst it is unlikely that three-storey development would be appropriate in Lacey Street, nominal drawings depicting two-storey additions to existing buildings have been prepared and included in the amended draft Policy. The drawings demonstrate how properties could be extended whilst maintaining a single storey presentation to the street.

*"Has few "true" Federation style dwellings - many have been altered from their original design and shape and size without any detrimental affect on the appearance of the street.
.....*

I do not believe your opinions regarding the significant and distinctive qualities and characteristics of Lacey Street are founded on fact and., in my view, you have not presented any evidence supporting your claim, such as historical records comparisons with other streets and expert opinion, or any other compelling reasoning."

The Town's Officers have identified Lacey Street as a unique street because it is a rare example of an entire street that has retained all of its original building stock constructed in the early 1900s. There are very few streets within the Town of Vincent that have retained all of their original building stock without the introduction of later and recent development. Another notable example is Brookman and Moir Streets, which has just been entered onto the State Register of Heritage Places.

The Town's Officers concur with the objector that a number of the dwellings have been altered over the years and many changes have been made to update the residences. It is considered that these changes over the years have some significance themselves, reflecting a changing demographic and way of living to meet the needs of its 21st century occupants without unduly compromising the appearance of the street. The commercial premises, which are found at both ends of Lacey Street, are not considered to reduce the quality and integrity of the streetscape.

It is noted that the authentic cultural heritage value of an individual place is not taken into consideration when looking at streetscapes. The avenue for recording places within the Town that have individual cultural heritage significance in terms of aesthetic, social, scientific and historic value is through the Town's Municipal Heritage Inventory. When analysing the value of a streetscape, it is the extent to which the original housing stock has been retained, the general intactness and the presentation and form, which is considered. Lacey Street is considered to have all these attributes.

The term Federation relates to the period when the buildings were constructed and not the specific style. The style of the precinct comprises Cottage and Georgian dwellings. Characteristics of the Cottage style include: small to diminutive dwellings, generally on small lots, simple roof forms, small verandahs, and small front gardens, more modest building materials and compact floor plans. Characteristics of the Georgian style include: symmetrical facades, medium pitched roofing, verandah under separate roof, and sash windows. The various changes to the places have not distorted the original design intent of these styles.

Individual properties within Lacey Street were not formally identified through the Town's Heritage Survey and Municipal Heritage Inventory Review (MHIR), however overall, Lacey Street has been identified as an important streetscape through the Town's Survey and MHIR, which was undertaken by Hocking Planning and Architecture Collaboration in 2004, and through survey work undertaken as part of the Town's review of Town Planning Scheme No.1. As described above, the street is one of only a limited number within the locality, which has retained all of its original housing stock and has retained a relatively unaltered presentation.

"We hereby put you and your Shire on notice that following legal advice should your Shire make any decision that effects our ability to develop our above properties we will be seeking damages from your Shire and those damages will be substantial."

The above comment is noted; however, most development on any land within the Town requires Planning Approval in accordance with the provisions of the Residential Design Codes and the Town's Town Planning Scheme and associated Policies. The Town's adopted Planning Policies include additional considerations with respect to the resultant built form and preservation of the amenity of an area via its Residential Design Guidelines and 31 Locality Statements. Further, it is noted that under Clause 47 of the Town Planning Scheme,

"The Council may make planning policies, which are to-

- (a) relate to an aspect or aspects of development control or any other matter relevant to the Scheme; and*
- (b) apply to all or a part of the Scheme area."*

LEGAL/POLICY:

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.

Action Plans to implement this strategy include:

- (a) *Protection of heritage through the on-going review of the Municipal Heritage Inventory and investigation and implementation of initiatives to conserve the heritage of the Town of Vincent.*
 - (b) *Foster activities which add to the community's understanding of heritage values and undertake a community survey to determine community values and community aspirations in regard to the heritage character of the Town.*
- 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 2006/2007 Budget lists \$88,760 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The draft Policy relating to Appendix 17 Design Guidelines for the Lacey Street area is intended to provide developers and landowners with direction and a set of guidelines that reflect the Town's expectations with respect to the protection and development of this street. The objections relating to the 'gateway' property at No. 266 Stirling Street are acknowledged and in this respect the map detailed in the amended draft Policy has been modified to exclude the remainder of the property.

The Guidelines are essential to integrate streetscape considerations within planning context and it is of equal importance that history is seen as a living, evolving, and co-existing aspect of the urban landscape. The aim of this Policy is to provide a degree of certainty for the community and property owners, as well as protect the unique streetscape value of the precinct whilst promoting local urban character, aesthetic appeal of streetscape and facilitating sympathetic new additions to the existing structures.

In addition to the above, it is considered that the proposed request for a general upgrade of the street with respect to paving, street trees and signage would considerably improve the amenity and ambiance of the street along with strengthening its significance as a notable streetscape. In this respect, funding would need to be considered as part of the 2007-2008 Budget process.

In light of the above, it is recommended that the Council receives, adopts and advertises the final amended version of the new Policy relating to Design Guidelines for the Lacey Street area as outlined in the Officer Recommendation."

10.2.1 Further Report Proposed Improvements Brookman Street, Moir Street, Robinson Avenue and Forbes Road, Perth

Ward:	South	Date:	25 November 2006
Precinct:	Hyde Park P12	File Ref:	TES0484, TES0069 TES0006, TES0311
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the further report on the proposed improvements for Brookman Street, Moir Street, Robinson Avenue and Forbes Road, Perth;
- (ii) **NOTES** that:
 - (a) while the majority of the comments received by respondents during the recent community consultation indicated general support for the proposals as presented, many did not support the planting of trees and/or the species suggested;
 - (b) there was general support for the traffic management and parking proposal as shown on attached Plans No. 2473-CP-1 and No. 2474-PP -1;
 - (c) many of the respondents indicated that the undergrounding of power in the heritage precinct should be implemented prior to embarking on any of the upgrade works proposed on attached Plans Nos 2456-CP-01, 2362-CP-2A and 2409-CP-03;
 - (d) the Heritage Council of WA indicated that the undergrounding of power should be implemented first and, should trees be considered, that consideration should be given to establishing a selection of trees that would complement the precinct in accordance with the landscaping guidelines in the Brookman and Moir Streets Design Guidelines (City of Perth 1998) and that advice regarding the selection of trees suitable for the precinct should be obtained by an aboriginalist;
 - (e) the Town's officers are currently preparing an Expression of Interest to the Office of Energy for the area bounded by Lake Street, Robinson Avenue, Wellman Street and Forbes Road to be considered for funding for the next round of Localised Enhancement Projects and that submissions must be submitted by 4 February 2007;
- (iii) **APPROVES** the implementation of the Traffic Management and Parking proposal in Robinson Avenue as shown on Plan No 2473-CP-1 and Plan No 2474-PP-1 (in conjunction with the proposed William Street upgrade works) as there was overall general support for this proposal and **NOTES** that the proposal has been amended slightly to incorporate three (3) on road parking bays on the south side of Robinson Avenue, between Brookman and Wellman Streets as requested;

- (iv) *DEFERS the implementation of ALL proposed works in Brookman Street, Moir Street and Forbes Road and the streetscape improvement works in Robinson Avenue pending the outcome of the Town's Expression of Interest for the State Underground Localised Enhancement Program as outlined in clause (ii)(d) above;*
- (v) *ADVISES all respondents and the Heritage Council of WA of its decision, thanks them for their valuable input and informs them that further consultation, possibly in the form of a residents' meeting, regarding the overall proposal will be undertaken once the outcome of the Town's expression of Interest as outlined in clause (ii)(d) has been determined; and*
- (vi) *RECEIVES further progress report/s on this matter as new information becomes available.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE:

The purpose of this report is to advise the Council of the results of the recent community consultation regarding the proposed Improvements for Brookman Street, Moir Street, Robinson Avenue and Forbes Road and make appropriate recommendations following consideration of the comments received.

BACKGROUND:

At its Ordinary Meeting held on 26 September 2006, the Council received a further report on proposed improvements at Brookman Street, Moir Street, Robinson Avenue and Forbes Road where the Council was advised that substantial funds had been allocated in the 2006/2007 budget for road reconstruction, traffic management, streetscape improvements, parking improvements and the implementation of a section of the Town's Wetlands Heritage Trail / Greenway link (Forbes Rd) in the area.

The report indicated that during the 1980s the former City of Perth encountered problems when reconstructing both Brookman and Moir Streets and the roads where subsequently reconstructed using interlocking pavers in lieu of the standard basecourse/asphalt construction.

The report further indicated that the road and footpaths fall within the "Brookman and Moir Streets Heritage Precinct" listed by the Heritage Council of Western Australia (HCWA) on the State Register of Heritage Places and that the proposed works were required to be referred to HCWA for comment.

Following consideration of the report, the following decision was made (in part):

"That the Council;

- (ii) *APPROVES IN PRINCIPLE the;*
- (a) *road reconstruction / streetscape upgrade proposals as shown on attached Plans Nos 2456-CP-01 and 2362-CP-2A;*
 - (b) *traffic management proposal for Robinson Avenue as shown on attached Plan No. 2473-CP-1;*
 - (c) *Forbes Road 'Green Way' link proposal as shown on attached plan No 2409-CP-03;*
 - (d) *introduction of 'No Parking' restrictions on the south side of Robinson Avenue between William and Lake Streets, the introduction of a one (1) hour (1P) parking restriction on the north side of Robinson Avenue between William Street and Brisbane Place, and associated line marking / delineation as shown on attached Plan No. 2474-PP-1;*
- (iii) *CONSULTS with the;*
- (a) *Heritage Council of Western Australia and residents and businesses in Brookman Street, Moir Street, Robinson Avenue (between Lake and William Streets), and Forbes Road regarding the overall proposal as outlined on attached plan No 2456-CP-01, providing them with 21 days to provide comments on the proposal;*
 - (b) *residents in Robinson Avenue (between Lake Street and William Street), Brisbane Terrace and Brisbane Place regarding the traffic management and parking proposal as outlined on attached plan Nos 2473-CP-1 and 2474-PP-1, providing them with 21 days to provide comments on the proposal;*
- (iv) *RECEIVES a further report at the conclusion of the consultation period."*

DETAILS:

Community Consultation – Proposed Streetscape Improvements, Bookman, Moir, Robinson Ave and Forbes Rd

In accordance with clause (iii) (a) of the Council's decision, on 5 October 2006 117 letters were distributed to residents in Bookman Street, Moir Street, Robinson Avenue and Forbes Road.

At the close of the consultation period on 27 October 2006, 98 responses were received, with 14 *in favour*, 78 *partially in favour* and 6 *against* the proposal. A summary of the comments is as follows:

Comments *In Favour* of Proposal (15)

- As soon as possible!
- Strongly in favour of trees and traffic calming in Robinson Ave.
- Looking forward to some trees.
- Very happy.

- Please do something about cars turning left (heading east) from Lake into Forbes Rd. Dangerous when cars parked. Also cars heading north turning from Forbes Lane to Forbes Rd is dangerous. Street trees are not needed in Moir or Brookman Sts, however, the choice has to be Crepe Myrtle to fit in with the streetscape.
- Strongly prefer deciduous trees.
- We are most happy with the proposal however many residents are not happy with the choice of trees - maybe this should be given further consideration. It would be great to install underground power at the same time otherwise as trees grow they will need constant ugly pruning.
- Excellent move on these long overdue improvements. Agree with all but believe as part of such significant works all power cables should be sunk and recent large transformer on Brookman St removed. Signage should be erected stating heritage significance of the precinct.
- 7 in favour but no further comments.

Officers Comments

Traffic management Forbes Rd/Forbes Lane- Will be addressed as part of proposal

Choice of trees – Comments noted

Power to be undergrounded prior to considering planting trees – Supported: This is discussed further in the report

Related Comments Partially In Favour of Proposal

- We welcome the proposed upgrading works but we think planting trees in Brookman and Moir Sts is a *very bad idea*. Residential parking will be compromised in Brookman and Moir Sts, Robinson Ave & Forbes Rd. Traffic movement will be compromised in Robinson Ave and the proposed tree species are inappropriate. If we must have trees, Crepe Myrtle is the least offensive.
- As much as I like trees, I am not sure there is sufficient room for trees and parked cars in Moir St.
- Love the trees - bring on the green belt! I would like to see power go underground before any major works are done. I love our red asphalt paths. Please can we keep them as it will tie us in nicely with Forbes Road. Concrete is ugly!
- These native trees are totally inappropriate for this heritage precinct and too large. Even Crepe Myrtle in this soil would grow to above 10 metres. Trees should not be planted until powerlines have been removed and underground power has been installed
- We do not object to the proposal providing it does not affect the amount of parking currently available. Becoming very difficult to find parking in the street let alone near one's own residence. Roadworks - yes. Trees - No.
- No trees in Moir or Brookman Sts and no tree in Robinson Ave at exit of Moir St. Time for underground power whilst road project in progress.
- I agree with the street surface improvements but not to the planting of trees. All my life (81 years) I have never known trees to be part of the streetscape.
- Agree with the proposal to improve the street surface but strongly disagree with the planting of trees. Parking and traffic management will also be compromised. Power should be put underground.
- No trees! Not enough parking in Moir and Brookman as it is. The green strip on Forbes is a good idea. Underground power should be put in at the same time as the paving in the 2 streets.
- Consideration should also be given to modification of the Forbes Lane/Forbes Rd intersection. In favour of some trees in Robinson Ave but planting on both sides of the road will cause dangerous zig zagging. Feel it is essential to have further consultation with residents regarding streetscaping.

- Yes to trees but none of those listed is suitable. Prefer a non native deciduous as per Hyde Park. Powerlines should be put underground prior to tree planting. Agree with delineated parking. Make Forbes Rd one-way (east to west) to double the effective parking.
- I agree with replacement of kerbing, regrading and relaying of interlocking pavers but do *not agree with street trees*. Do not agree with replacing existing paths until the power is placed underground. The power should be placed underground as part of this project. It may be possible to plant street trees after the power has been placed underground.
- We appreciate the Council addressing the issue of the poor quality of the road surface but we are concerned about the preservation and enhancement of the heritage value of the precinct's streetscape. *Strongly disagree with planting of trees* within the Brookman-Moir Sts precinct plus the native tree species are totally inappropriate due to the heritage value of the area.
- I feel the trees used should be the same as already planted on the cnr of William /Forbes and Forbes/Wellman when that section was upgraded a few years ago, to keep uniformity.
- The Melaleuca is the only tree of the ones recommended. Very important for those of us who suffer hay fever. We badly need residents only parking in Moir St.

Officers Comments

Trees – Most of the respondents partially in favour are against the planting of trees.

On Road parking – Concerns expressed regarding loss of parking if trees are planted

Comments Against the Proposal

- I believe there needs to be a much more comprehensive study of this heritage listed area including traffic flows. We believe this heritage listed residential area should be protected from through traffic to enhance the amenity of the area and preserve its homes from vibration and other damage.
- Concerned with proposed street trees in Brookman St and disagree with choice of trees which are too large. None of the trees are native to the area. Trees will limit available street parking, disturb drains, roadway and pavements. Marking car bays will further reduce parking. I also dislike the thought of larger trees being lopped to accommodate the power lines. Think it is important to adjust entry and exits to one way.
- Don't believe any work is necessary other than on Forbes Rd. The disruption caused by works would outweigh benefits of works on Brookman/Moir Sts.
- I am astounded that the Town of Vincent can even consider uplifting the road and pavement without putting underground power in at the same time to reduce prices in the future. I agree to trees if native species in line with the Town's guidelines - consider narrower and symmetrical to complement style of housing in streets.
- Brick paving on corner of Moir and Forbes needs relaying due to water problem - no fall to the road gully.
- I have worked in Kong's Trading for the past 15 years and parking for staff is the main issue that needs to be looked at. If the road is changed to one-way with no parking at the side, where are we supposed to park our vans and cars with no unloading space.

Officers Comments

Trees – Against large trees resulting in loss of parking. The only place for the trees is in the parking lanes given the 10m wide road reserve. Some on road parking may be lost to accommodate trees.

Loss of parking in Robinson Ave for businesses – Not Supported – This is a residential street and the proposal aims to improve amenity for residents.

The comments sheet distributed to residents outlined four (4) tree species. While the feedback was varied from no trees to native trees, the following results were obtained.

- Thirteen (13) requested - Lagerstromia indica (Crepe Myrtle)
- Three (3) requested - Melaleuca quinquinervia (Broad Leafed Paperbark)
- One (1) requested - Melaleuca linarifolia (Snow in Summer)
- One (1) requested - Eucalyptus leucoxlyn rosea (Yellow Gum)

Community Consultation – Proposed Traffic Management and Parking Improvements

In accordance with clause (iii) (b) of the Council's decision, on 5 October 2006 70 letters were distributed to residents in Robinson Avenue (between Lake and William Streets), Brisbane Terrace and Brisbane Place.

At the close of the consultation period on 27 October 2006, sixteen (16) responses were received with thirteen (13) *in favour*, two (2) *partially in favour* and one (1) *against* the proposal. A summary of the comments is as follows:

Related Comments *In Favour* of proposal

- In the future I would like the Council to consider speed humps on Brisbane Place as well as there are a lot of pedestrians and school children in this neighbourhood.
- We have had near misses with reckless driving and reducing traffic along Robinson St has been a long awaited plan. Thanks.
- Good plan! Thought needs to be given to parking on Moir St as well. At times residents are forced to park elsewhere because of no space in Moir St. Need greater policing of parking on Brisbane not Robinson. People park all day on Brisbane.
- As soon a possible!
- Great but what about underground power?
- I concur 100%! Plus - declaring Brisbane Place from Robinson Ave to Brisbane St one-way traffic from south to north, with parking on the west side only.
- We are very strongly in favour of trees and the other traffic control measures for Robinson Ave.
- Changes to Robinson Ave will have a flow on effect in Brisbane Terrace. I think a plan to cover both streets would be a better idea. Parking should be on one side of the road in this area.
- Very happy - my only concern is rental properties. No. 88 Robinson Ave currently have 3 to 4 cars parked in the street (not visitors), do not use garage. No. 90 Robinson Ave has a combi van permanently parked outside (hardly used) and unable to fit in garage. This should not be allowed.
- Some traffic flow analysis of how this change/proposal will affect Brisbane Place would be appreciated.
- Strongly support this proposal. It will greatly improve safety and reduce significant noise and congestion of delivery trucks parking / idling in Robinson Ave.
- Could you also consider making Brisbane Place one-way in the same direction as William St.
- In favour – comments regarding trees

Related Comments *Partially In Favour* of proposal

- I agree with most of the proposal but it would be ridiculous to remove the 3 resident parking bays on Robinson Ave between Brookman & Wellman Sts because there is no parking opposite them blocking traffic.

- Agree however my concern with making Robinson Ave one way between Brisbane Place and William St is that the majority of heavy vehicles enter from William St. The problem lies in where those vehicles originated from. Since the changes to the eastside of Robinson Ave I suspect that the majority of vehicles originate from the William /Brisbane intersection.

Related Comments Against the proposal

- We believe the whole of Robinson Ave should be one-way (west to east), not just between Brisbane Place and William St as this would allow street parking on both sides of Robinson, facing in the same direction, without safety issues. Power lines should be buried before trees are planted.

Officers Comments

Speed Humps – Brisbane place- Not part of current proposal however classifiers to be deployed to measure vehicle speeds.

Greater Policing – Comments noted. Rangers have been advised of comments

Making all of Robinson Ave one way` - It is considered the proposal to restrict parking to the north side of Robinson Ave (between Lake and Brisbane Place) will address these concerns.

Affect on Brisbane Place – Request to consider making this street one way with parking on one side only will be further considered.

Reinstate 3 parking bays on Robinson Ave (south side) between Brookman & Wellman Sts – This is supported as it is proposed to ban parking on the north side of the street.

Power to be undergrounded – Supported: This is discussed further in the report

Ordinary Meeting of Council 7 November 2006

At this meeting the Chief Executive Officer advised that a petition had been received from Ms C Scafe of Moir Street, Perth, with 62 signatories relating to the proposed improvements for Brookman Street, Moir Street, Robinson Avenue and Forbes Road.

The petitioners stated the following:

- Street *trees* are not needed in Moir or Brookman Sts - most gardens already have small trees in close proximity to the footpath.
- Proposed tree species are inappropriate due to the heritage value of the Brookman/Moir Sts Precinct.
- Residential parking will be compromised in all streets. Half the residents have no right of access and no potential for off street parking.
- Streetscapes will be enhanced with the removal of overhead power lines.
- Minimised disruption to residents if the implementation of underground power coincides with the proposed roadworks.

Meeting between Town's Officers and Heritage Council of Western Australia

On 12 October the Town's Officers met with officers from the Heritage Council of Western Australia (HCWA) to discuss the Brookman and Moir Street Heritage Precinct. A number of matters were discussed (*not specifically related to the proposed road infrastructure upgrades/streetscape proposals*).

With regard to the road proposals, there was general agreement that prior to any works being implemented it would be prudent to consider the undergrounding of power in the area bounded by Lake Street, Robinson Avenue, William Street and Forbes Road.

The Office of Energy has called for expressions of interest (EOI) for Round 4 of Local Enhancement Projects and it was considered that the Town should submit an EOI for this area.

Consultation – Heritage Council of Western Australia

In accordance with clause (iii) (a) of the Council's decision, on 5 October 2006 a letter was sent to the HCWA providing them with 21 days to provide comments on the proposal. On 31 October 2006 the following response was received (in part).

"Thank you for your letter received on Monday 9 October 2006 regarding proposed improvements in this precinct. We understand that the Town of Vincent would like to consult with the Heritage Council of Western Australia regarding the overall proposal.

We received the following drawings:

- *Drawing Proposed Greenway Path and Streetscape Detail.*
- *Drawing Proposed Streetscape Upgrade Brookman, Moir, Forbes and Robinson Street, Northbridge Concept Design Option.*
- *Proposed Streetscape Upgrade Forbes Street Northbridge Concept Design Option.*

A Conservation Officer has assessed the development referral in the context of the identified heritage significance of the place and the Brookman and Moir Streets Design Guidelines (City of Perth 1998). Under delegation to the Director from the Heritage Council's Development Committee, we offer the following advice:

Consideration should be given to establishing a selection of trees that will complement the precinct in accordance with the landscaping guidelines in the Brookman and Moir Streets Design Guidelines (City of Perth 1998); "It is considered that the traditional garden style is still the most appropriate to this historic area particularly in light of the close proximity of the dwellings to each other. Other layouts and shrubs are acceptable however care should be taken to avoid imposing on adjoining properties."

Advice regarding the selection of trees suitable for the precinct should be obtained by an arboriculturalist.

We would appreciate a copy of your Council's determination for our records."

Overall Comments and Conclusions

While a number of respondents in favour of the proposal were happy for the project to proceed *as proposed*, a common thread in the majority of responses received (including the petition) included:

- Defer ALL works in Brookman and Moir Streets in particular until the undergrounding of power has been completed
- Some respondents were happy to have trees but not the ones suggested.
- Although most respondents chose the Crepe Myrtle, they were still reluctant to have this species
- There was a general reluctance to plant trees as some 'on road' parking would be lost.
- A few thought further consultation would be a good idea once the project proceeded further.

- The HCWA suggested that should trees be considered, advice regarding the selection of trees suitable for the precinct should be obtained by an aboriculturalist.

Given that there was overwhelming support for the Traffic Management proposal in Robinson Avenue, it is considered that this should be implemented when the proposed William Street upgrade works are underway, as the low tension power lines will be undergrounded in the section of Robinson Avenue (between William Street and Bulwer Place) as part of the proposed William Street works.

CONSULTATION/ADVERTISING:

Residents and businesses and HCWA were consulted regarding the proposal and requested to provide comments.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2006/2007 Budget includes an amount of \$338,500 for the project/s.

COMMENTS:

The results of the consultation indicated that while most residents were generally in favour of the proposals as presented, not all were happy with the planting of trees and/or the species suggested. In addition, many comments requested that the undergrounding of power be implemented prior to embarking on any upgrade work.

In addition, while the proposed traffic management in Robinson Avenue was generally supported, some respondents suggested that some of the other adjoining streets should also be looked at and that the proposal be extended further along Robinson Avenue.

The HCWA concurred that the undergrounding of power should be implemented first and that should trees be considered, consideration should be given to establishing a selection of trees that would complement the precinct in accordance with the landscaping guidelines in the Brookman and Moir Streets Design Guidelines (City of Perth 1998) and that advice regarding the selection of trees suitable for the precinct should be obtained by an aboriculturalist.

It is therefore recommended that the project be deferred and that an EOI be submitted to the Office of Energy for the next round of funding for Localised Enhancement Projects.

10.1.7 Nos. 51-53 (Lot 108 D/P: 2355) Burt Street, North Perth - Single Storey Single House

Ward:	South	Date:	28 November 2006
Precinct:	Norfolk; P10	File Ref:	PRO3161; 5.2006.567.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted the owner A La Piana for proposed Single Storey Single House, at Nos. 51-53 (Lot 108 D/P: 2355) Burt Street, North Perth, and as shown on plans stamp-dated ~~24 November~~ 5 December 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 Burt 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;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the garage boundary wall on the eastern elevation being a maximum wall height of 3.5 metres with a maximum average wall height of 3 metres; and*

- (b) *fill within the front setback area being a maximum height of 0.5 metre above natural ground level.*

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

- (iv) *first obtaining the consent of the owners of No. 49 Burt Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 49 Burt Street in a good and clean condition.*

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

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Farrell

That clause (iii)(a) be deleted.

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Torre was an apology.)

Moved Cr Maier, Seconded Cr Doran-Wu

That clause (iii)(b) be deleted.

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (7-1)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.7

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted the owner A La Piana for proposed Single Storey Single House, at Nos. 51-53 (Lot 108 D/P: 2355) Burt Street, North Perth, and as shown on plans stamp-dated 5 December 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 Burt 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;*

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage boundary wall on the eastern elevation being a maximum wall height of 3.5 metres with a maximum average wall height of 3 metres; and*

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

- (iv) *first obtaining the consent of the owners of No. 49 Burt Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 49 Burt Street in a good and clean condition.*

Landowner:	A La Piana
Applicant:	A La Piana
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	N/A

BACKGROUND:

24 May 2005 The Council at its Ordinary Meeting granted conditional approval for proposed demolition of existing single house at No. 53 (Lot 108) Burt Street, North Perth.

The Council at its Ordinary Meeting resolved as follows in regards to the proposed demolition of existing single house at No. 51 (Lot 108) Burt Street, North Perth:

"That the Item be DEFERRED to allow discussion with the applicant on the benefits of retaining the existing dwelling."

14 June 2005 The Council at its Ordinary Meeting granted conditional approval for proposed demolition of existing single house at No. 51 (Lot 108) Burt Street, North Perth.

1 November 2006 The Town under delegated authority from the Council, granted conditional approval for single storey single house at Nos. 51-53 (Lot 108) Burt Street, North Perth. Condition (iii) (a) of the conditional approval stated as follows:

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

- (a) *the garage boundary wall on the eastern elevation being a maximum wall height of 3.5 metres with a maximum average wall height of 3 metres; and...*"

DETAILS:

The application involves the re-consideration of condition (iii) (a) applied to the conditional approval granted under delegated authority from the Council on 1 November 2006, for single storey single house at the subject property.

Condition (iii) (a) 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) the garage boundary wall on the eastern elevation being a maximum wall height of 3.5 metres with a maximum average wall height of 3 metres; and...

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

The applicant's submission is included as an attachment to this Agenda Report.

Council Determination

The new Delegated Authority No. 110 recently adopted by the Council at its Ordinary Meeting held on 22 August 2006 allows for the subject application to be determined under delegated authority; however, in this particular instance, a commitment by the Executive Manager Environmental and Development Services was made to the applicant that the application would be presented to the Council for determination.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Building on Boundary (East Parapet Wall)	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Wall height - 3.6 metres - 4 metres (average 3.8 metres).	Not supported - <ul style="list-style-type: none"> • Non-compliant with the boundary wall height requirements of the R Codes; • affected neighbour has objected; and • considered to have an undue impact on the streetscape.
Fill	0.5 metre.	1.3 metres.	Supported in part - as not considered to have an undue impact on affected neighbour. The fill in the front setback is an oversight by the architect, therefore, addressed in the Officer Recommendation.

Consultation Submissions		
Support	Nil	Noted.
Objection (1)	<ul style="list-style-type: none"> Objection to the proposal, with no specific comments provided. 	Supported in part - as boundary wall is considered to have an undue impact on the affected neighbour and the streetscape.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

The re-consideration of condition (iii) (a) is not supported for the following reasons:

- The proposed boundary parapet wall will be located adjacent to an approved 3 metres high fence at No. 49 Burt Street along the eastern property boundary. It is considered that the proposed 3.6 metres - 4 metres (average height 3.8 metres) parapet wall in addition to the existing approved 3 metres high wall will intensify the undue impact on the streetscape and surrounding amenity;
- The boundary parapet wall is considered to have an undue impact on the affected neighbour;
- The affected neighbour objected to the proposal;
- The boundary parapet wall height is not compliant with the boundary wall height requirements of the R Codes; and
- It is feasible for the parapet wall to comply with the boundary wall height requirements of the R Codes and still achieve the same outcome being a three car garage.

In light of the above, condition (iii)(a) on the Planning Approval granted on 1 November 2006 should be retained and also applied on the subject Planning Application.

10.1.1 Further Report - Tenancy 9, Nos. 375-393 (Lot 500, Strata Lot 9) William Street, Corner Forbes Road and Wellman Street, Perth - Proposed Change of Use from Unlisted Use Class (Karaoke Bar) to Tavern - Reconsideration of Conditions

Ward:	South	Date:	28 November 2006
Precinct:	Beaufort; P13	File Ref:	PRO0825; 5.2006.288.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel	Amended by:	R Boardman John Giorgi

CEO AND EMEDS 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 Oriole Karaoke Pty Ltd on behalf of the owners Lime Grove Pty Ltd and Lukman Enterprises Pty Ltd for proposed Change of Use from Unlisted Use Class (Karaoke Bar) to Tavern - Reconsideration of Conditions, at Tenancy 9, Nos. 375-393 (Lot 500, Strata Lot 9) William Street, Corner Forbes Road and Wellman Street, Perth, and as shown on plans stamp-dated 13 June 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;*
- (ii) the undue impact associated with the proposed increased maximum number of persons permitted and extended hours of operation on the amenity of the adjacent residential area; and*
- (iii) the consideration of the objections received.*

CEO COMMENTS:

The CEO and EMEDS have changed the Officer Recommendation for the following reasons:

- The Karaoke Bar is adjacent to a well established and heritage listed residential area - the Brookman and Moir Streets precinct and the proposed development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.
- The proposed increased maximum number of persons permitted and extended hours of operation will create an undue adverse impact on the amenity of the adjacent residential area.
- Consideration should be given to the eight (8) objections received from the residents of Brookman Street.

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 Oriole Karaoke Pty Ltd on behalf of the owners Lime Grove Pty Ltd and Lukman Enterprises Pty Ltd for proposed Change of Use from Unlisted Use Class (Karaoke Bar) to Tavern - Reconsideration of Conditions, at Tenancy 9, Nos. 375-393 (Lot 500, Strata Lot 9) William Street, Corner Forbes Road and Wellman Street, Perth, and as shown on plans stamp dated 13 June 2006, subject to the following conditions:

- (i) — the tavern use shall not operate independently of the "karaoke lounge" use on-site at any time;*
- (ii) — the floor plan is to remain as shown on the approved plans at all times. Details of any changes to the floor plan shall be submitted to and approved by the Town prior to such changes occurring;*
- (iii) — this approval for a tavern use is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (iv) — compliance the Environmental Protection (Noise) Regulations 1997 at all times;*
- (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;*
- (vi) — the public floor area of the tavern/karaoke lounge shall be limited to 153 square metres;*
- (vii) — a maximum of one hundred (100) people, inclusive of staff, are permitted to be at the premises at any one time;*
- (viii) — the hours of operation for the tavern/karaoke lounge shall be restricted to 8pm to 2am Monday to Saturday inclusive, and closed on Sunday;*
- (ix) — the recommendations of the acoustic report dated 30 August 2004 prepared by Langford Acoustical Services, shall be implemented prior to the first occupation of the development and thereafter maintained to the absolute satisfaction of the Town; and*
- (x) — the management plan entitled "The House Policy of Oriole Karaoke Pty. Ltd." submitted to the Town being revised to address the additional number of persons permitted, the extended hours of operation, littering as well as responsible service practices, staff training, customer complaints, intoxication and other unacceptable behaviours, juveniles, local amenity and security, and shall be implemented as from the first occupation of the development and thereafter maintained and adhered to.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 10 October 2006 deferred consideration of the subject proposal *"to allow for consultation with the residents of Brookman Street."*

The proposal was re-advertised from 2 November to 23 November 2006 to all owners and occupiers of Brookman Street. Eight objections to the proposal were received during this re-advertising period. The main concerns raised are summarised as follows:

1. Noise
 - Concern loud music played until 2 am will be disrupting to neighbouring residential properties.
2. Parking
 - Concern that there is insufficient car parking to cater for the additional patrons and the excess vehicles will further encroach on neighbouring residential properties.
3. Security
 - Concern that security of neighbouring residential properties will be jeopardised.
4. Graffiti and vandalism
 - Concern that the proposal will result in an increase in graffiti and vandalism of the neighbouring residential properties.
5. Proposed hours of operation
 - Concern that the increased hours will result in further disruptions from noise.
6. Rowdy behaviour from patrons
 - Concern that the proposal will increase the amount of rowdy patrons in the neighbouring residential area.
7. Increase in the number of people
 - Concern that the increase in the number of people will result in further disruptions from a combination of noise, traffic, graffiti, vandalism and rowdy behaviour from patrons and that the subject property is not sufficient to cater for this number of people.
8. Non compliance with Planning Approval
 - It is alleged that the conditions of the previous approval have not been complied with over the last 'trial' year and there are concerns that the conditions of any subsequent Planning Approval will not be complied with.

These concerns have been addressed by the applicants in a further submission, the Officer Recommendation and in the 'Comments' of the previous report to the Council as follows:

1. Noise
 - Addressed in the Officer Recommendation via conditions relating to the acoustic report, management plan and compliance with Environmental Protection (Noise) Regulations 1997.
2. Parking
 - Proposal is compliant with the Town's Policy relating to 'Parking and Access', therefore, car parking is considered to adequately meet the needs of the proposal.
3. Security
 - Addressed in the Officer Recommendation via condition relating to the management plan; and
 - Management have hired a crowd controller to ensure patrons leave the premises in a quiet and orderly manner.
4. Graffiti and Vandalism
 - Not considered to be an issue that is a direct result of this proposal; however, the security implemented as part of the management plan will provide casual surveillance, which in turn will deter graffiti and vandalism.
5. Proposed Hours of Operation
 - Not considered to have an undue impact on surrounding residents as this issue has been addressed in the Officer Recommendation and previous 'Comments'.
6. Rowdy behaviour from patrons.
 - Addressed in the Officer Recommendation via condition relating to the management plan; and
 - Management have hired a crowd controller to ensure patrons leave the premises in a quiet and orderly manner.
7. Increase in the number of people.
 - Addressed in the Officer Recommendation via condition relating to the management plan; and
 - The Town's Environmental Health Officers have advised that the proposed number of patrons is considered acceptable.
8. Non compliance with Planning Approval.
 - One submission was received on 16 August 2005 complaining that the noise being emitted from the subject property was excessive and that the tavern was operating outside of its approved trading hours until 1 am and 2am. This complaint was addressed by the Town and the Manager of the Oriel Karaoke Bar. Any complaints received in the future would be addressed by the Town.

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

In light of the above, the Officer Recommendation remains unchanged.

The following is a verbatim copy of the minutes of the item placed before the Council at its Ordinary Meeting of Council held on 10 October 2006.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Oriole Karaoke Pty Ltd on behalf of the owners Lime Grove Pty Ltd and Lukman Enterprises Pty Ltd for proposed Change of Use from Unlisted Use Class (Karaoke Bar) to Tavern - Reconsideration of Conditions, at Tenancy 9, Nos. 375-393 (Lot 500, Strata Lot 9) William Street, Corner Forbes Road and Wellman Street, Perth, and as shown on plans stamp-dated 13 June 2006, subject to the following conditions:

- (i) the tavern use shall not operate independently of the "karaoke lounge" use on-site at any time;*
- (ii) the floor plan is to remain as shown on the approved plans at all times. Details of any changes to the floor plan shall be submitted to and approved by the Town prior to such changes occurring;*
- (iii) this approval for a tavern use is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (iv) compliance the Environmental Protection (Noise) Regulations 1997 at all times;*
- (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;*
- (vi) the public floor area of the tavern/karaoke lounge shall be limited to 153 square metres;*
- (vii) a maximum of one hundred (100) people, inclusive of staff, are permitted to be at the premises at any one time;*
- (viii) the hours of operation for the tavern/karaoke lounge shall be restricted to ~~10am~~ 8pm to 2am Monday to Saturday inclusive, and closed on Sunday;*
- (ix) the recommendations of the acoustic report dated 30 August 2004 prepared by Langford Acoustical Services, shall be implemented prior to the first occupation of the development and thereafter maintained to the absolute satisfaction of the Town; and*
- (x) the management plan entitled "The House Policy of Oriole Karaoke Pty. Ltd." submitted to the Town being revised to address the additional number of persons permitted, the extended hours of operation, littering as well as responsible service practices, staff training, customer complaints, intoxication and other unacceptable behaviours, juveniles, local amenity and security, and shall be implemented as from the first occupation of the development and thereafter maintained and adhered to.*

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

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina returned to the Chamber at 6.16pm.

Debate ensued.

Moved Cr Messina, Seconded Cr Maier

That the Item be DEFERRED to allow for consultation with the residents of Brookman Street.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

<i>Landowner:</i>	<i>Lime Grove Pty Ltd & Lukman Enterprises Pty Ltd</i>
<i>Applicant:</i>	<i>Oriole Karaoke Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial</i>
<i>Existing Land Use:</i>	<i>Tavern</i>
<i>Use Class:</i>	<i>Tavern</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>4490 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

- 28 September 2004 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed alterations and additions to existing eating house and change of use to unlisted use class (karaoke bar) at the subject property.*
- 3 February 2005 Conditional approval was granted under delegated authority by the Town for signage to approved unlisted use class (karaoke bar) at the subject property.*
- 14 June 2005 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed alterations and additions to existing eating house and change of use to unlisted use class (karaoke bar) - reconsideration of conditions, at the subject property.*
- 28 June 2005 The Council at its Ordinary Meeting granted conditional approval for proposed change of use from unlisted use class (karaoke bar) to tavern at the subject property.*

DETAILS:

The proposal involves change of use from unlisted use class (karaoke bar) to tavern - reconsideration of conditions.

Conditions (vii) and (viii) of the conditional approval for proposed change of use from unlisted use class (karaoke bar) to tavern at the subject property granted by the Council on 28 June 2005 state as follows:

- "(vii) a maximum of sixty (60) people, inclusive of staff, are permitted to be at the premises at any one time;
- (viii) the hours of operation for the tavern/karaoke lounge shall be restricted to 10am to midnight;"

The applicants have stated that the above conditions severely restrict the business and request that the above conditions be reconsidered to allow for a more economically viable business.

The applicants request the following:

- the maximum number of people permitted on the premises be increased from sixty (60) people to one hundred (100) people; and
- the permitted hours of operation be increased from 10am to midnight to 8pm to 2am Monday to Saturday (inclusive).

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>Noted</i>
<i>Consultation Submissions</i>			
<i>Support (2)</i>	<ul style="list-style-type: none"> • <i>No objection.</i> 		<i>Noted.</i>
<i>Objection</i>	<i>Nil</i>		<i>Noted</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>
<i>Car Parking</i>			
<i>Car parking requirement (nearest whole number)</i> <i>The proposal requires 40.21 parking bays as per the greater requirement of 1 space per 3.8 square metres of public floor area for tavern (based upon 153 square metres, as conditioned in Officer Recommendation).</i>			<i>107 car bays</i>
<i>Apply the adjustment factors.</i> <ul style="list-style-type: none"> • <i>0.85 (within 400 metres of a bus stop)</i> • <i>0.85 (within 400 metres of one or more public car parks in excess of 50 spaces)</i> 			<i>(0.7225)</i> <i>77.31 car bays</i>
<i>Minus the car parking provided on-site</i>			<i>78 car bays, as shown on the submitted plans</i>
<i>Minus the most recently approved on-site car parking shortfall</i> <i>* due to addition of new car park approved by the Council in 1996, it is not considered that there is any existing shortfall.</i>			<i>*</i>
<i>Resultant surplus</i>			<i>0.69 car bay</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 submission was received on 16 August 2005 complaining that the noise being emitted from the subject property was excessive and that the tavern was operating outside of its approved trading hours until 1 am and 2am. This complaint was addressed by the Town and the manager of the Oriel Karaoke Bar and resulted in the manager of the subject tavern taking the following actions:

- ensure the doors are always closed so that the sound does not escape the building;*
- the volume of the microphones and music has been set so noise can not be heard over the rear fence by residents of Wellman Street;*
- hires a crowd controller to ensure patrons leave the premises in a quiet and orderly manner;*
- performs regular checks of noise and litter; and*
- made the door which leads into the alleyway into Wellman Street more sound proof.*

No objections to the current proposal were received during the 21 day advertising period.

In light of the above, and on the basis that the proposal is not seeking to change the nature of the use and is compliant with the Town's Policy relating to Parking and Access, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters."

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

10.1.2 Further Report - No. 36 (Lot PT 58 D/P: 613) Monger Street, Perth - Proposed Four (4) Two (2) Storey Multiple Dwellings

Ward:	South	Date:	28 November 2006
Precinct:	Beaufort; P13	File Ref:	PRO3106; 5.2006.367.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	Amended by:	R Boardman John Giorgi

CEO AND EMEDS 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 APPROVAL to the Western Australian Planning Commission for the application submitted by the owner, the Department of Housing and Works for proposed Four (4) Two (2) Storey Multiple Dwellings at No. 36 (Lot PT 58 D/P: 613) Monger Street, Perth, and as shown on amended plans stamp-dated 24 August 2006 and survey plans stamp dated 25 July 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) *a detailed landscaping plan, including a list of plants, and the landscaping and reticulation of the Monger Street verge adjacent to and within 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) *any new street/front wall, fence and gate along 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, or 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 issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development; and*
- (b) *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;*
- (v) *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;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to bedroom 2 of Unit 3 and the balcony of Unit 4, on the first floor, within a 45 degree 'cone of vision' 4.5 metres and 7.5 metres, respectively, to the south-east boundary, being screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with the Town that addresses the following undertaking to the satisfaction of the Town:*
- (a) *the lease of the subject property to UnitingCare West or another approved agency is for a minimum period of 25 years, and the property is not to be sold during this period of time;*
- (b) *a maximum of eight (8) residents is to be accommodated at the development at any one time;*
- (c) *the development and its operation and residents are to be managed by UnitingCare West, and any change of this management arrangement is subject to a separate written request being submitted to and approved by the Town; and*

- (d) *the residents of the development are not to park any motor vehicles on the subject property.*

The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation if prepared by other solicitors, shall be borne by the applicant/owners(s).

CEO's Comment:

The CEO and EMEDs have changed the Officer Recommendation for the following reasons:

- The matters presented at the Elected Members Forum held on 14 November 2006 (as detailed in this report) have been addressed.
- The project is in keeping with the principles of "social housing".
- There is a need for premises of this nature, particularly in an inner city location.

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 REFUSAL to the Western Australian Planning Commission for the application submitted by the owner, the Department of Housing and Works for proposed Four (4) Two (2) Storey Multiple Dwellings at No. 36 (Lot PT 58 D/P: 613) Monger Street, Perth, and as shown on amended plans stamp dated 24 August 2006 and survey plans stamp dated 25 July 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;*~~
- ~~*(ii) the non-compliance with the variations to the density, setbacks, car parking, open space and privacy requirements of the Residential Design Codes which will have a negative impact on the amenity of the surrounding residential area; and*~~
- ~~*(iii) in consideration of the objections received in relation to the proposed development.*~~

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Ker

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

- “(vi) (a) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to bedroom 2 of Unit 3 and the balcony of Unit 4, on the first floor, within a 45 degree ‘cone of vision’ 4.5 metres and 7.5 metres, respectively, to the south-east boundary, being screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level.*

A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and

(b) the applicant is also encouraged not to install screening to the southern elevation on the balcony of Unit 3.

Debate ensued.

AMENDMENT CARRIED (6-1)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	

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

Moved Cr Chester, Seconded Cr

That existing clause (vii)(d) be deleted and a new clause (vii)(d) be added as follows:

“(vii) (d) the operator of the facility is to ensure that residents of the development should not own or possess a motor vehicle and that the car parking requirements were waived on that basis.”

The Presiding Member ruled that he would not accept the amendment as the Town does not have the right to tell a person what they can or cannot own.

Moved Cr Chester, Seconded Cr Messina

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

“(vii) (d) the operator of the facility is to ensure that ~~residents~~ tenants of the development who are owners of vehicles are not to park any motor vehicles on the subject property or on the streets in the vicinity of the property and that the car parking requirements were waived on that basis.”

Debate ensued.

**AMENDMENT WITHDRAWN
WITH THE CONSENT OF THE SECONDER**

Moved Cr Lake, Seconded Cr Maier

That existing clause (vii)(d) be deleted and a new clause (vii)(d) be added as follows:

“(vii) (d) *the operator of the facility is to ensure that residents of the development are not to park a motor vehicle on the subject property or on the streets in the vicinity of the property and that the car parking requirements were waived on that basis.*”

Debate ensued.

**AMENDMENT WITHDRAWN
WITH THE CONSENT OF THE SECONDER**

Moved Cr Lake, Seconded Cr

That existing clause (vii)(d) be deleted and a new clause (vii)(d) be added as follows:

“(vii) (d) *the operator of the facility will maintain the clause relating to tenants not owning a vehicle while they are a resident of the facility and ...*

The Presiding Member interjected and advised Cr Lake that he would not accept the amendment as the Town does not have the right to tell a person what they can or cannot own.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

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

“(viii) *the Client Residency Agreement, as tabled in the appendix to the development application, not being amended without the approval of the Council.*”

AMENDMENT CARRIED (7-0)

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

MOTION AS AMENDED CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by the owner, the Department of Housing and Works for proposed Four (4) Two (2) Storey Multiple Dwellings at No. 36 (Lot PT 58 D/P: 613) Monger Street, Perth, and as shown on amended plans stamp-dated 24 August 2006 and survey plans stamp dated 25 July 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) *a detailed landscaping plan, including a list of plants, and the landscaping and reticulation of the Monger Street verge adjacent to and within 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) *any new street/front wall, fence and gate along 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, or 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 issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development; and*
 - (b) *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;

- (v) *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;*
- (vi) (a) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to bedroom 2 of Unit 3 and the balcony of Unit 4, on the first floor, within a 45 degree 'cone of vision' 4.5 metres and 7.5 metres, respectively, to the south-east boundary, being screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level.*
- A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (b) *the applicant is also encouraged not to install screening to the southern elevation on the balcony of Unit 3;*
- (vii) *prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with the Town that addresses the following undertaking to the satisfaction of the Town:*
- (a) *the lease of the subject property to UnitingCare West or another approved agency is for a minimum period of 25 years, and the property is not to be sold during this period of time;*
- (b) *a maximum of eight (8) residents is to be accommodated at the development at any one time;*
- (c) *the development and its operation and residents are to be managed by UnitingCare West, and any change of this management arrangement is subject to a separate written request being submitted to and approved by the Town; and*
- (d) *the residents of the development are not to park any motor vehicles on the subject property.*
- The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation if prepared by other solicitors, shall be borne by the applicant/owners(s); and*
- (viii) *the Client Residency Agreement, as tabled in the appendix to the development application, not being amended without the approval of the Council.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 26 September 2006 considered the subject proposal and resolved the following:

"That the Item be DEFERRED to allow for further discussion with the applicant".

The applicants, the Department of Housing and Works (DHW) and its associates presented the above proposal to the Elected Members Forum held on 14 November 2006. The details of the presentation are attached and summarised as follows;

- The main issues are density and car parking, with all other issues being able to be resolved.
- Occupants are homeless single people, with low income and limited social network.
- In terms of occupancy, it is similar to 2 dwellings with 4 bedrooms each when compared to the above proposal which is 4 dwellings with 2 bedrooms each, which will be a complying proposal.
- The site is one minute walk to William Street, and 10 minute walk to the City, accessible to public transport and also within the free public transport zone.
- One full time and one part time social worker will be looking after the occupants and would visit the premises on scheduled visits. Due to low income, the occupants will not have motor vehicles and unlikely to also have visitors, due to limited social network.
- Each occupant is required to sign a residency agreement. The attached client residency agreement states in part as follows:
“5.The client acknowledges that there are NO PARKING facilities at the property and at no time during the tenancy are cars to be parked at the property or in Monger Street”.
The applicant has advised that the DHW is prepared to strengthen the enforceability of the above clause if required by the Council.
- The Town has indicated willingness to support a density variation, which can be justified in terms of the low occupancy of the dwellings. The Residential Design Codes are not appropriate to assess housing for social purposes. The 2 car parking bays if based on performance would be considered adequate in this instance.

Mr Gordon Jenkins, who is one of the adjacent residents, stated at the Elected Members Forum held on 14 November 2006 that the adjacent residents have discussed the proposal with the applicant, and now support the proposal.

The applicant has also provided an email correspondence “*Laid on Table*” of support from the “*All Seasons Perth*” hotel, which backs on to the subject site to the north, who have since retracted its objection on the condition that there is no balcony facing the northern boundary and that the highest point of the dwellings will not impair the view from the hotel rooms. The proposed plans do not propose any balcony at the rear of the site. However, the applicant will have to demonstrate to the “*All Seasons Perth*” hotel that the development complies with the above request in terms of height, as this is private arrangement between both affected parties.

The additional information above has been noted by the Town’s Officers; however, the previous Officer Recommendation still remains unchanged.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 26 September 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 RECOMMENDS REFUSAL to the Western Australian Planning Commission for the application submitted by the owner, the Department of Housing and Works for proposed Four (4) Two (2) Storey Multiple Dwellings at No. 36 (Lot PT 58 D/P: 613) Monger Street, Perth, and as shown on amended plans stamp-dated 24 August 2006 and survey plans stamp dated 25 July 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;*
- (ii) *the non-compliance with the variations to the density, setbacks, car parking, open space and privacy requirements of the Residential Design Codes which will have a negative impact on the amenity of the surrounding residential area; and*
- (iii) *in consideration of the objections received in relation to the proposed development.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Chester

That the Item be DEFERRED to allow for further discussions with the applicant.

CARRIED (6-2)

<u>For</u> Mayor Catania Cr Chester Cr Farrell Cr Ker Cr Messina Cr Torre	<u>Against</u> Cr Lake Cr Maier
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(Cr Doran-Wu was absent from the Chamber and did not vote.)

<i>Landowner:</i>	<i>Department of Housing and Works</i>
<i>Applicant:</i>	<i>Department of Housing and Works</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>Single house</i>
<i>Use Class:</i>	<i>Multiple Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>382 square metres</i>
<i>Access to Right of Way</i>	<i>Not applicable</i>

BACKGROUND:

The Town has forwarded the above development proposal to the Western Australian Planning Commission (WAPC) for its consideration and ultimate determination, as the proposal involves public works.

10 May 2005 The Council at its Ordinary Meeting resolved to conditionally approve the demolition of the existing single house at the above site.

DETAILS:

The proposal involves the demolition of the existing house and construction of four (4) two storey multiple dwellings of 2 bedrooms each, submitted by the Department of Housing and Works (DHW). The Applicant's submission (attached) is summarised as follows:

- *DHW is seeking approval under clause 40 of Town of Vincent Town Planning Scheme No.1, to address lack of accommodation for homelessness and people in crisis. The proposal will maximise potential of the site for development. It is strongly argued that the development is consistent under Part 4 of the Residential Design Codes for "dependant persons", as the proposal is specifically designed for "dependant persons" and it is strongly argued that the proposed tenants have a special dependency.*
- *The 4 multiple dwellings will house a total of 8 people, for long term or permanent residence. These people will be supervised by a management agency which the DHW has leased for a period of 25 years. The management group in this instance is the Wesley Mission. The asset will always remain in the ownership of DHW.*
- *Due to the nature of the client base, dispensation is requested in terms of the car parking required. The 2 car bays provided are for Fire and Emergency vehicles, and visiting health providers or personnel from Wesley Mission. The residents do not own vehicles, visitors are unlikely and residents do not normally have immediate friends or family.*

Additional information dated 14 September 2006 (attached) is summarised as follows, in response to the matters raised in the objections received:

- *The objection to the density has been encouraged by the Town's letter to owners about the variations being sought, and what should be considered is that the total development will only house 8 residents.*
- *Car parking justification has been already stated in the original submission lodged with the planning application.*
- *DHW is prepared to discuss the setback variations with the WAPC or Town of Vincent, if the setback variations are considered unreasonable.*
- *In terms of ownership, the DHW has a 25 year lease with Wesley Mission, and would be extremely reluctant to sell the property.*

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 dwellings, R80.</i>	<i>4 dwellings, R104 resulting in a 30 per cent density bonus.</i>	<i>Supported-given the site's premium access to public transport services and facilities of the central business district, and a total occupation of 8 people.</i>
<i>Plot Ratio</i>	<i>1.0 or 382 square metres.</i>	<i>0.89 or 340 square metres.</i>	<i>Noted-no variation.</i>
<i>Open Space</i>	<i>60 per cent or 229 square metres.</i>	<i>52.87 per cent or 202 square metres.</i>	<i>Not supported- as the development site is a vacant site, once the existing house is demolished, and there is opportunity to comply with this requirement.</i>

<i>Car Parking</i>	<i>7 car bays</i>	<i>2 car bays</i>	<i>Not supported-as the site is a vacant site, and there is opportunity to provide additional car bays. Moreover, there is a shortage of car parking in the immediate street and vicinity, and there is no guarantee that restriction can be placed on would be tenants that they are not allowed to park cars on-site or on the adjacent street. There is also no mechanism to control would be visitors to the site, should they drive to the site, resulting in an exacerbation of the parking problem in the area.</i>
<i>Privacy Setback-Bedroom 2 of Unit 3</i>	<i>4.5 metres</i>	<i>3.5 metres to the South-East boundary.</i>	<i>Not supported-undue impact on affected neighbours and can be overcome by way of a condition.</i>
<i>Privacy Setback-Balcony of Unit 4</i>	<i>7.5 metres</i>	<i>4.3 metres to the South-East boundary.</i>	<i>Not supported-undue impact on affected neighbours and can be overcome by way of a condition.</i>
<i>Privacy Setback-Bedrooms 1 and 2 of Unit 4</i>	<i>4.5 metres</i>	<i>2.5 metres to the North (rear) boundary.</i>	<i>Supported-as the view is to a blank wall of the Acacia Hotel located on the adjacent rear property.</i>
<i>Building Setback-North West-First Floor</i>	<i>2.4 metres</i>	<i>1.5 metres to 2 metres</i>	<i>Supported-as the setback would not result in an undue impact on the adjoining property, which is currently used for car parking.</i>
<i>Building Setback-South-West (front) First Floor</i>	<i>6 metres</i>	<i>4.5 metres</i>	<i>Supported-as the setback is to the upper floor balcony, and the variation would not affect the existing streetscape.</i>
<i>Building Setback-North-East-First Floor</i>	<i>2.3 metres</i>	<i>1.5 metres to 5 metres</i>	<i>Supported-as the setback would not result in an undue impact on the adjoining property.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>• Nil</i>		<i>Noted</i>

<i>Objection (9)</i>	<ul style="list-style-type: none"> <i>Objection to the number of proposed dwellings which are greater than allowed, which will place pressure on local community.</i> 	<i>Not supported-for similar reasons stated in the Officer comments in the Assessment Table above.</i>
	<ul style="list-style-type: none"> <i>The shortfall in car parking provided on site, as there is already pressure in terms of traffic and shortage in car parking spaces along the street, due to other uses, such the mosque, temple and business in the area. The proposal will exacerbate an already difficult situation.</i> 	<i>Supported-with Officer comments similar to those stated in the Assessment Table above under the Car Parking section.</i>
	<ul style="list-style-type: none"> <i>Potential for ownership and proposed use may change at some time in the future, when it would be too late to impose regulations.</i> 	<i>Supported-as there is always the possibility that a property can be sold, even though the applicant has advised that this is not its intention at all.</i>
	<ul style="list-style-type: none"> <i>Setback variations.</i> 	<i>Not supported- as the variations are within acceptable limits and unlikely to have an undue impact on the amenity or streetscape of the area.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and R Codes.</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

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

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

COMMENTS:

Heritage

The demolition proposal has been previously conditionally approved by the Council at its Ordinary Meeting held on 10 May 2005.

Summary

The argument that the proposal is consistent with Part 4 of the R Codes relating to "dependant persons" put forward by the applicant is not supported by the Town's Officers. The definition section in the R Codes for "Aged and Dependant Person- states a person who is aged 55 years or over or is a person with a recognised form of disability requiring special accommodation provisions for independent living or special care". The above statement by the applicant does not fall into this category, to qualify for a density bonus under the above requirement, however, the density bonus can be considered under other planning grounds as stated in the Officers comments in the Assessment Table and under Clause 40 of Town of Vincent Town Planning Scheme No.1 (subject to approval by an Absolute Majority of Council).

Accordingly, the proposal is recommended for refusal for the abovementioned reasons.

The Council's decision is required to be forwarded to the Western Australian Planning Commission for final determination."

Cr Doran-Wu returned to the Chamber at 8.29pm.

10.1.6 No. 14 (Lot 1 D/P: 60813) Carrington Street, North Perth - Proposed Demolition of Existing Single House and Construction of Single Storey Single House

Ward:	North	Date:	29 November 2006
Precinct:	North Perth; P08	File Ref:	PRO3757; 5.2006.474.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Tangent Nominees T/As Summit Homes Group on behalf of the owner A Manowski for proposed Demolition of Existing Single House and Construction of Single Storey Single House, at No. 14 (Lot 1 D/P: 60813) Carrington Street, North Perth, and as shown on plans stamp-dated 3 October 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 Carrington 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;*

- (iii) *first obtaining the consent of the owners of No. 12 Carrington Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 12 Carrington Street in a good and clean condition;*
- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

Landowner:	A Manowski
Applicant:	Tangent Nominees T/As Summit Homes Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	613 square metres
Access to Right of Way	N/A- a reserve abutting the rear/northern boundary legally prohibits vehicular access to the adjacent right of way.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single storey house and the construction of a single storey single house.

The proposal is required to be referred to the Council for its consideration and determination as it includes a new dwelling within the Eton Locality (R20) area.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Building on Boundary:	Walls not higher than 3.0 metres with an average of 2.7 metres up to 9 metres in length to one side boundary.	Boundary wall (eastern side) - 3.2 metres maximum height with an average of 3.05 metres.	Supported- no undue impact on adjoining property, and written consent received from adjoining landowners.
Consultation Submissions			
Consultation was not required in this instance as the written consent of the relevant neighbours have been provided with regard to the proposed demolition and non-compliant requirements of the proposed development.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Demolition

The existing brick and tile dwelling at No.14 Carrington Street was constructed in the Post-war Bungalow style of architecture, circa 1959. No houses were constructed on Carrington Street until 1934. The street was slow to develop and by 1949, only seven of the twenty available lots had been developed.

The dwelling is situated along the small portion of Carrington Street between Les Lilleyman Reserve and Eton Street in North Perth. This section of the street consists of a variety of dwellings dating from the Post-war period to the Late Twentieth Century and Current styles of architecture. Featuring a hipped roof and a gable over the front protruding room the subject place has a modest two room street frontage with a centrally located entrance and two casement windows.

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

Redevelopment

The proposed single storey single house is not considered to have any undue impact on the preservation and the amenity of the existing streetscape and is therefore recommended for approval, subject to standard and appropriate conditions to address the above matters.

At 8.29pm Cr Farrell requested that Item 11.1 be brought forward and be considered on a confidential basis behind closed doors as he had to leave the meeting. The Presiding Member consented to the request.

Moved Cr Farrell, Seconded Cr Doran-Wu

That Item 11.1 - Notice of Motion - Cr Dudley Maier - Public Apology be brought forward and considered on a confidential basis behind closed doors as it contains personal information relating to individuals.

CARRIED ON THE CASTING VOTE OF THE MAYOR (5-4)

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

(Cr Torre was an apology.)

Cr Lake, Executive Managers Environmental and Development Services, Corporate Services and Technical Services, Journalists Brendan Foster and Lindsay McPhee and Minutes Secretary departed the Chamber at 8.30pm.

11.1 Notice of Motion – Cr Dudley Maier – Public Apology

That:

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillors Maier, Lake and Ker, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;*
- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY to REVOKE clause (iii) (b) of the resolution adopted by the Council at its Ordinary Meeting held on 12 September 2006 (Item 14.2), namely:*
 - “(iii) (b) *CENSURES Councillor Dudley Maier, REQUESTS that he makes a public apology as specified by the Review Panel, to the satisfaction of the Council and REQUESTS that he undertakes to comply at all times with the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct;*”
- (iii) *the Council ACCEPTS the following apology from Cr Maier:*

“Public Apology

At the Ordinary Meeting of Council held on 8th August 2006, during consideration of item 10.3.3 – Annual Plan – Capital Works Program, I made a number of comments concerning the Council’s Elven Street land sale which occurred in late 2005.

As a result of written complaints, the Town's Code of Conduct Review Panel has investigated the complaint in accordance with the Council's policies and procedures, and after considering my response, has deemed my final comment to be a breach of the Town of Vincent Local Law Relating to Standing Orders Clause 3.4.2 – in that my comment adversely reflected upon a decision of the Council, and the Town's Code of Conduct, clause 6.2 – in that it was inappropriate and offensive to a number of Elected Members.

I accept that my final comment was inappropriate and hereby unreservedly apologise to the Council, Town of Vincent Elected Members, and any other person who considered my comment to be offensive and/or an adverse reflection upon their decision.”

Item 11.1 was considered behind closed doors. As the item contained personal information about individuals, only the Council decision is public information.

COUNCIL DECISION ITEM 11.1

That:

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillors Maier, Lake and Ker, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;*
- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY to CHANGE clause (iii) (b) of the resolution adopted by the Council at its Ordinary Meeting held on 12 September 2006 (Item 14.2), to read as follows:*

“(iii) (b) CENSURES Councillor Dudley Maier, REQUESTS that he makes a public apology to the satisfaction of the Council and REQUESTS that he undertakes to comply at all times with the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct;”

Therefore the Council's decision reads as follows:

“That the Council;

- (i) *RECEIVES the report of an alleged breach of the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct by Councillor Dudley Maier on 8 August 2006;*
- (ii) *based on the information provided, forms the opinion that Councillor Dudley Maier has breached the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct on 8 August 2006, as detailed in this report;*

- (iii) *being of the opinion that Councillor Dudley Maier, having breached the Town of Vincent Local Law relating to Standing Orders and Council's Code of Conduct, as specified in Clause (ii) above, takes the following action;*
- (a) *EXRESSES concern that Cr Maier having been given the opportunity to provide either a verbal or written apology to the Council to consider (before it was made public), refused to do so, which left the Council with no option but to censure him; and*
- (b) *CENSURES Councillor Dudley Maier, REQUESTS that he makes a public apology to the satisfaction of the Council and REQUESTS that he undertakes to comply at all times with the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct;*
- (iv) *ACCEPTS the following apology from Cr Maier;*

“Public Apology

At the Ordinary Meeting of Council held on 8 August 2006, during consideration of item 10.3.3 – Annual Plan – Capital Works Program, I made a number of comments concerning the Council’s Elven Street land sale which occurred in late 2005.

As a result of written complaints, the Town’s Code of Conduct Review Panel has investigated the complaint in accordance with the Council’s policies and procedures, and after considering my response, has deemed my final comment to be a breach of the Town of Vincent Local Law Relating to Standing Orders Clause 3.4.2 – in that my comment adversely reflected upon a decision of the Council, and the Town’s Code of Conduct, clause 6.2 – in that it was inappropriate and offensive to a number of Elected Members.

“I accept that my final comment was inappropriate and in breach of the Town’s Standing Orders and Code of Conduct and hereby unreservedly apologise to the Council, Town of Vincent Elected Members, and any other person who considered my comment to be offensive and/or an adverse reflection upon their decision. I also accept the removal of all negative aspersions about the decision making process and that Elected Members made their decision on the merits of the matter; and”

- (v) *NOTES that the Council’s acceptance of Cr Maier’s apology is done in the spirit of goodwill, ongoing relationships and proper governance.*

Moved Cr Farrell, Seconded Cr Ker

That an “open meeting” be resumed.

CARRIED (6-0)

(Cr Torre was an apology. Crs Lake and Maier were absent from the Chamber and did not speak or vote.)

Crs Maier and Lake, Executive Managers Environmental and Development Services, Corporate Services and Technical Services, and Minutes Secretary returned to the Chamber at 9.08pm.

Cr Farrell left the meeting at 9.08pm and did not return.

The Council resumed to the previous order of business and considered Item 10.1.5.

10.1.5 Nos.296-306 (Lot Y1 D/P: 1197, Lot 2 D/P: 1197, Lot 3 D/P: 1197, Lot 4 D/P: 1197) Lord Street, Dual Frontage to Windsor Street, Highgate-Proposed Mixed-Use Development Comprising Offices and Fourteen (14) Grouped Dwellings

Ward:	South	Date:	28 November 2006
Precinct:	Banks;P15	File Ref:	PRO3571; 5.2006.236.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Meyer Shircore & Associates on behalf of the owner Primepoint Asset Pty Ltd & ATF Nelson Trust for proposed Mixed-Use Development Comprising Offices and Fourteen (14) Grouped Dwellings, at Nos. 296-306 (Lot Y1 D/P: 1197, Lot 2 D/P: 1197, Lot 3 D/P: 1197, Lot 4 D/P: 1197) Lord Street, Dual Frontage to Windsor Street, Highgate and as shown on plans stamp-dated 21 November 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, including any switchgear units that may be required in association with the Western Power Underground Projects shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) a detailed landscaping plan, including a list of plants, the landscaping and reticulation of the Lord Street and Windsor Street verges adjacent to the subject property and the planting of a minimum of five (5) trees with a minimum height of two (2) metres along the Lord Street frontage, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*

- (vi) *doors, windows and adjacent floor areas fronting Lord Street and Windsor Street shall maintain an active and interactive relationship with these streets;*
 - (vii) *the maximum gross floor area for the office use shall be limited to 1830 square metres unless adequate car parking is provided for the changes in floor space area;*
 - (viii) *first obtaining the consent of the owners of No 308 Lord Street and No. 288 Lord 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. 308 Lord Street and No. 288 Lord Street in a good and clean condition;*
 - (ix) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$13,500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
 - (x) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
 - (xi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property;*
 - (a) *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; and*
 - (b) *that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xii) *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 (\$60,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$60,000, subject to the Town agreeing to this arrangement. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xiii) *a construction management plan addressing noise, hours of construction, traffic, footpath and vehicle access, parking of trade person vehicles, use of right of way (ROW), collection of rubbish, loading/unloading processes, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of commencement of construction works), shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
- (xiv) *prior to the first occupation of the development, each apartment shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xv) *any proposed vehicular entry gates adjacent to the car parking area 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;*
- (xvi) *appropriate sound attenuation shall be installed on any proposed vehicular entry gates/doors/roller shutters;*
- (xvii) *the on-site car parking area for the office/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xviii) *the on-site car parking for the office/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xix) *prior to the first occupation of the development, thirty-one (31) car parking spaces, including three (3) visitor car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xx) *prior to the first occupation of the development, nine (9) class 1 or 2 and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (xxi) *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;*
- (xxii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *all balconies being fully open on at least 2 sides. Where screening is required for privacy reasons, permanent obscure glazing at a height of 1.6 metres above the balconies finished floor level may be considered as an open side;*
 - (b) *an continuous and complementary awning being provided over the adjacent Windsor Street footpath;*

- (c) *each residential storerooms having a minimum internal dimension of 1.5 metres and an internal area of 4.0 square metres, a storeroom complying with the above dimensions being provided for dwellings 13 and 14;*
- (d) *a minimum of two (2) significant and appropriate design features being incorporated along the wall to the storerooms and roller shutter adjacent to Windsor Street to reduce its visual impact;*
- (e) *three (3) visitor car parking spaces being clearly marked as such, located close to and clearly signposted or visible from the point of entry to the development and outside any security barrier;*
- (f) *the top of parapet wall height level being a maximum of 32.40; and*
- (g) *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".*

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

(xxiii) *prior to the first occupation of the development;*

- (a) *appropriate street furniture, including the provision of a bin and a bench shall be installed adjacent to the Lord Street frontage; and*
- (b) *appropriate lighting shall be installed in the right of way adjacent to the subject property.*

These works shall be undertaken to the specifications of and supervised by the Town, at the applicant's/owner(s)' full expense; and

(xxiv) *the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense to remove the approved works (balconies and awnings) which encroaches the Other Regional Road Reserve/ road widening requirement when the road reserve/road widening is required. This Agreement is to be registered as a Caveat on the Certificate of Title.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Cr Messina departed the Chamber at 9.10pm.

Debate ensued.

Cr Messina returned to the Chamber at 9.14pm.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Torre was an apology. Cr Farrell had left the meeting.)

Landowner:	Primepoint Asset Pty Ltd & ATF Nelson Trust
Applicant:	Meyer Shircore & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Telecommunication Facility Building
Use Class:	Office Building, Grouped Dwellings
Use Classification:	"P", "AA"
Lot Area:	2343 square metres
Access to Right of Way	East side, 3.5 metres wide, sealed, Town-owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves construction of mixed-use development comprising offices and fourteen (14) grouped dwellings at the subject property. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	13 dwellings R 60	14 dwellings R 60 7.55 per cent density bonus	Supported- the density bonus sought is considered supportable and can be considered under Clause 40 of the Town's Town Planning Scheme No.1 with the absolute majority of the Council. In this instance, the variation sought is supported as the variation is considered minor given the context of the site and the proposal is considered to promote housing diversity and caters for the changing demographics and housing needs/wants of the community.
Plot Ratio	0.65 - 1523 square metres	0.88 - 2056 square metres -excludes ground floor storerooms and balconies which are open on two sides or have been conditioned to be	Supported- as the proposed plot ratio is considered to be in accordance with the density bonus and height variation sought, and the adjoining right of way, basement car parking and buildings' articulation

		open on two sides (privacy screens which are 1.6 metres high and of obscure glazing are considered to be open)	reduces the perceived site's confinement and bulk and scale of development.
Setbacks : Ground Floor - East	6.0 metres	4.8 metres (includes the width of right of way)	Supported- minor variation in this instance, no undue impact and no objections received from affected neighbour.
Residential Visitors Car Bays	3 car bays	None provided	Not supported- undue impact on amenity of area, has been conditioned to comply, and achievable as there is a surplus of car parking for the commercial component.
Building Height	Two storeys	Three storeys plus undercroft	Supported- given the context of the site being along a district distributor road and its close proximity to public transport and the central business district, it is considered that there are sites in the area, including the subject site, that are under developed/utilised and appropriate for redevelopment for more intense purposes and at a larger magnitude in terms of building scale. Whilst the height variation sought is significant, it is considered in this context of Lord Street, that it can be supported on the basis that the proposal is of a reasonable design and amenity. Furthermore, the applicant has advised the top of parapet can feasibly be reduced by 0.5 metre, which has been conditioned accordingly.

Storerooms	Minimum dimension of 1.5 metres with an internal area of 4.0 square metres	-Not demonstrated for stores 5, 6 and 12. - None provided for units 13 and 14.	Not supported - inadequate amenity provided for future residents and has been conditioned to comply.
Awnings/Verandahs	Buildings are encouraged to be provided with continuous and complementary awnings/verandahs over the adjacent footpaths	None provided along Windsor Street.	Not supported- inadequate amenity and has been conditioned to comply.
Landscaping	10 per cent	None provided	Supported- the variation to landscaping is supported on the basis that the applicant is required to contribute to the Town's Percentage for Art Scheme and the upgrading of the adjacent footpath, each dwelling has been provided with an adequate and functional area of outdoor living area (balconies) and due to the nil setback proposed, any further landscaping to be provided is unlikely to benefit the wider community. It has been conditioned that the applicant provides street furniture and tree planting along Lord Street to further compensate for the shortfall in landscaping, in accordance with the advice from the Town's Technical and Parks Services.

Consultation Submissions

It is noted that the proposal has been amended from 14 multiple dwellings to the current 14 grouped dwellings to comply with the Town's TPS No.1 provisions, which does not allow multiple dwellings within the Banks Precinct. As such, this amendment has resulted in a density variation which has not been advertised to the surrounding neighbours. It is considered that re-advertising should not be required, in this instance, as the building envelope is generally the same as the advertised plans and the number of dwellings has not increased.

The Department for Planning and Infrastructure has advised that it has no objections to the proposal on regional transport planning grounds and support for the works encroaching the Other Regional Road Reserve/road widening area subject to clause (xxiv) of the Officer Recommendation.

Support (2)	<ul style="list-style-type: none"> • However, would like to see residential visitor car bays provided on-site and awning along Windsor Street 	Supported- refer to above.
Objection (1)	<ul style="list-style-type: none"> • Setbacks • Residential car bays • Building height • Landscaping • Not in keeping with streetscape • Intensification of 'commercial use' 	<p>Not supported- refer to above.</p> <p>Supported- refer to above.</p> <p>Not supported- refer to above.</p> <p>Not supported- refer to above.</p> <p>Not supported- refer to 'Comments' below.</p> <p>Not supported- any future 'change of use' seeking variations to the development requirements will require a further planning application.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking- Commercial Component		
Car parking requirement (nearest whole number)		37 car bays
<ul style="list-style-type: none"> • Office (1830 square metres) – 36.6 car bays 		
Apply the adjustment factors.		(0.544)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 400 metres of a rail station) • 0.80 (contains mix of uses, with at least 45 per cent of gross floor area being residential) 		20.13 car bays
Minus the car parking provided on-site for commercial component		33 car bays
Minus the most recently approved on-site car parking shortfall		Not applicable as proposal is to redevelop a vacant site.
Resultant surplus		12.87 car bays
Bicycle Parking Facilities		
Office	<ul style="list-style-type: none"> • 1 per 200 square metres gross floor area for employees (class 1 or 2)- 9.15 spaces • 1 space per 750 square metres over 1000 square metres for visitors (class 3)- 1.11 spaces 	None indicated on plans, matter has been further conditioned.

* 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:

Lord Street is a particularly diverse environment by virtue of its large traffic volumes, the accommodation of a variety of building types and uses and its close proximity to public transport and the central business district.

The planning application is considered to generally improve the streetscape and surrounding area through the redevelopment of an under-utilised site, not have an undue impact on the amenity and streetscape of the area and is considered to be keeping with what is considered to be an appropriate future built form for the subject context.

With the above in mind, the planning application is recommended for approval, subject to standard and appropriate conditions to address the scale and nature of the proposal and the matters raised in the report.

10.1.8 Nos. 333-335 (Lots 9 D/P: 2612, 522 D/P: 30349 & 523 D/P: 30349) Fitzgerald Street, North Perth - Proposed Three (3) Two-Storey Single Houses

Ward:	South	Date:	28 November 2006
Precinct:	North Perth; P08	File Ref:	PRO0743; 5.2006.289.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Parsons on behalf of the owner R J & J A Parsons for proposed Three (3) Two-Storey Single Houses, at Nos. 333-335 (Lot 9 D/P: 2612, 522 D/P: 30349 & 523 D/P: 30349) Fitzgerald Street, North Perth, and as shown on amended plans stamp-dated 19 September 2006, subject to the following conditions:

- (i) *first obtaining the consent of the owners of Nos. 331 and 337 Fitzgerald Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 331 and 337 Fitzgerald Street in a good and clean condition;*
- (ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Fitzgerald Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *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;*
- (iv) *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);*
- (v) *any new street/front wall, fence and gate between the Fitzgerald 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 Fitzgerald 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*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the balcony and the main building on the upper floor of each dwelling being setback a minimum of 5 metres and 6 metres, respectively, from the eastern (Fitzgerald Street) property boundary; and*
 - (b) *the windows to bedroom 3 of Units 1 and 3 on the western elevation and the balcony of Unit 2 on the southern elevation 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. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 331 and 337 Fitzgerald Street stating no objection to the respective proposed privacy encroachment.*

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

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Maier

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

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

(a) ~~the balcony and the main building on the upper floor of each dwelling being setback a minimum of 5 metres and 6 metres, respectively, from the eastern (Fitzgerald Street) property boundary; and~~

(b) the windows to bedroom 3 of Units 1 and 3 on the western elevation and the balcony of Unit 2 on the southern elevation 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.; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the window to bedroom 3 of Unit 1 on the western elevation being moved 0.5 metre north and the window to bedroom 3 of Unit 3 on the western elevation being moved 0.5 metre south. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 331 and 337 Fitzgerald Street stating no objection to the respective proposed privacy encroachment.

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

Debate ensued.

AMENDMENT CARRIED (4-3)

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

(Cr Torre was an apology. Cr Farrell had left the meeting.)

MOTION AS AMENDED CARRIED (7-0)

COUNCIL DECISION ITEM 10.1.8

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 Parsons on behalf of the owner R J & J A Parsons for proposed Three (3) Two-Storey Single Houses, at Nos. 333-335 (Lot 9 D/P: 2612, 522 D/P: 30349 & 523 D/P: 30349) Fitzgerald Street, North Perth, and as shown on amended plans stamp-dated 19 September 2006, subject to the following conditions:

- (i) first obtaining the consent of the owners of Nos. 331 and 337 Fitzgerald Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 331 and 337 Fitzgerald Street in a good and clean condition;*
- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Fitzgerald Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) 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;*
- (iv) 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);*
- (v) any new street/front wall, fence and gate between the Fitzgerald 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 Fitzgerald 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*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved the windows to bedroom 3 of Units 1 and 3 on the western elevation and the balcony of Unit 2 on the southern elevation 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 OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the window to bedroom 3 of Unit 1 on the western elevation being moved 0.5 metre north and the window to bedroom 3 of Unit 3 on the western elevation being moved 0.5 metre south. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 331 and 337 Fitzgerald Street stating no objection to the respective proposed privacy encroachment.*

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

ADDITIONAL INFORMATION:

More legible plans of the proposal have been obtained from the applicant and are attached.

Landowner:	R J & J A Parsons
Applicant:	R J Parsons & J A Parsons
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vacant
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	661 square metres
Access to Right of Way	West side, 5 metres wide, unsealed, Town owned.

BACKGROUND:

11 November 1996 The Council at its Ordinary Meeting granted conditional approval for three two-storey grouped dwellings at the subject property.

DETAILS:

The proposal involves the construction of three two-storey single houses at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	3 dwellings R60	3 dwellings R60	Noted - no variation.
Plot Ratio: Unit 1 Unit 2 Unit 3	0.65 0.65 0.65	0.65 0.65 0.65	Noted - no variation. Noted - no variation. Noted - no variation.
Setbacks: Upper Floor- East/Fitzgerald Street Balcony	6 metres	4.7 metres - 5.5 metres	Not supported - considered to have an undue impact on the streetscape and has been addressed in the Officer Recommendation.
Main Dwelling	6 metres	5.7 metres - 6.5 metres	Not supported - considered to have an undue impact on the streetscape and has been addressed in the Officer Recommendation.
Boundary Walls	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary. As above.	Two Boundary Walls:- South: -Entry - average height - 3.3 metres.	Supported - not considered to have an undue impact on affected neighbours and no objections received. Supported - as above.

	As above.	-Family - average height - 3.3 metres.	Supported - as above.
	As above.	-Garage store - compliant in terms of height and length.	Supported - as above.
	As above.	North: -Entry - average height - 3.3 metres.	Supported - as above.
	As above.	-Family - average height - 3.3 metres	Supported - as above.
	As above.	-Garage/store - compliant in terms of height and length.	Supported - as above.
Privacy Setbacks: Unit 1- West Upper Floor Bedroom 3	4.5 metres	4 metres to southern boundary	Not supported - considered to have an undue impact on affected neighbour and has been addressed in the Officer Recommendation.
Unit 2- South Upper Floor Balcony	7.5 metres	6 metres to southern property boundary.	Not supported - as above.
Unit 3- West Upper Floor Bedroom 3	4.5 metres	4 metres to northern boundary	Not supported - as above.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil - A submission was received with no details, other than the "I object to the proposal" box was ticked. This is not considered to be a valid objection.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

The proposal is supported as it is not considered to unduly impact on the affected neighbours or the amenity of the surrounding area.

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

10.2.3 Town's Right of Way Acquisition and Upgrade Program - Review Method

Ward:	Both	Date:	29 November 2006
Precinct:	All	File Ref:	TES0451
Attachments:	-		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the methods used by the Town to prioritise the acquisition and upgrade of Rights of Way; and*
- (ii) *NOTES that a further report on a revised Right of Way program will be submitted to the Council once the assessments have been completed.*

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Ker

That existing clause (ii) be renumbered to clause (iii) and a new clause (ii) be added as follows:

- “(ii) NOTES that the assessment criteria used to prioritise the acquisition and upgrade of Rights of Way will also take into account residential densities and geometry of Rights of Way in the Town; and”*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell had left the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell had left the meeting.)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECEIVES the report on the methods used by the Town to prioritise the acquisition and upgrade of Rights of Way;*
- (ii) *NOTES that the assessment criteria used to prioritise the acquisition and upgrade of Rights of Way will also take into account residential densities and geometry of Rights of Way in the Town; and*

- (iii) *NOTES that a further report on a revised Right of Way program will be submitted to the Council once the assessments have been completed.*
-

PURPOSE OF REPORT:

The purpose of this report is to provide information on the Town's Rights of Way (ROWs) in general and inform the Council of the mechanism by which the Town's ROWs Acquisition and Upgrade Program is prepared.

BACKGROUND:

At its Ordinary Meeting of Council held on 23 May 2006, the Chief Executive Officer was requested to provide a report detailing the method employed by the Town in prioritising the acquisition and upgrade of private ROWs.

DETAILS:

The Town's Legal Obligation

The Town has a legal obligation to maintain ROWs that are in its ownership, or under its care, control and management.

The maintenance and care of privately owned ROWs is in law the responsibility of the owner of the ROW or, in the owner's absence, the adjacent property owners who have a legal right of access through the ROW.

Previous ROW Acquisitions

In October 2001, the Town acquired in excess of 40 private ROWs from a development company for a token price. In addition, the Roman Catholic Church also transferred ownership of approximately 10 private ROWs to the Town. The acquisition of ROWs "en masse" is extremely cost effective in respect to Department of Land Administration fees.

Legal ownership in fee simple provides the Town with a mechanism to confer expressed rights of access in circumstances where legal access issues are a hindrance to development.

Health Act 1911 Provisions

The Town has the power to impose an upgrade requirement in accordance with section 125 of the Health Act, 1911, "Power to Require Private Streets, Ways, etc., to be Paved" as follows:

...in case any street, way, lane, yard, or passage or in case any street, lane, or passage formed or set out on public property in such manner as to afford means of back access to or drainage from property adjacent to such street, way, lane, or passage, is not formed, paved, levelled, or drained to the satisfaction of the local authority, the local authority may from time to time, by notice to the respective owners of the premises fronting, adjoining, or abutting upon such parts thereof as may require to be formed, paved, levelled, drained or made good, require them to form, pave, level, drain, or make good..

Demand for use of ROWs

It is considered imperative to maintain the upgrade program on those ROWs where a legal obligation to maintain exists, and those which have been assessed as in the most urgent need of attention.

In addition, there has been a steady increase in infill and unit development in the Town. With the existence of the Town's ROW policy, where new developments require vehicle access from a ROW, it is essential that ROWs are sealed and drained.

Matters such as health, safety, dust, noise and drainage control, preservation of the amenity of adjacent properties, and aesthetics, must be addressed when approving new development. It is also essential that easy access to the property is available for emergency service providers.

Criteria and Scoring System used to develop the Town's ROW Upgrade Program

A large number of ROWs in the Town were upgraded by the former City of Perth without, it would appear, any regard to any rating criteria. It can only be assumed that these upgrades would have been instigated by resident requests as no formal ROW upgrade program appears to have existed. This has caused confusion and the public perception that the use of influence has given some residents an unfair advantage over others.

Since the Town's inception, when residents have enquired as to why it is that "their ROW has not been upgraded when many of the surrounding ones have" they have been (and are currently) advised that all ROWs in the Town have been rated in accordance with a number of factors, and given a "score". This rating was based on a comprehensive survey carried out by the former City of Perth in 1991.

Using the scores awarded as a means of sorting the ROWs into a priority listing, all of the Town owned ROWs were listed for upgrade first and the remainder of the upgrade program aimed to progressively acquire and upgrade all unsealed private ROWs.

The scoring system was based on the following factors:

- Level of usage, adjacent to a major road and/or providing the only means of access to a property
- Affected by stormwater scour
- Subject to debris from the ROW being deposited onto the footpath and/or into the road drainage system
- Subject to flooding or run-off from the ROW flooding adjoining properties

The following weightings where adopted from the former City of Perth criteria:

Usage		Condition		Surface		Drainage		Floods		Retaining required		Fences	
Heavy	12	Good	0	Paved	0	Existing	0	Yes	20	Yes	1	Good	4
Medium	8	Fair	5	Firm Surface	4	Easy	6	No	0	No	0	Fair	2
Low	4	Impassable	10	Sand	8	Medium	5					Poor	0
None	0					Difficult	4						

For example, in accordance with the above rating system, a heavily used ROW (12), in fair condition (5), with a firm unpaved surface (4), easily drained (6), requiring no major preparation such as retaining (0) and good fencing (4), was given a score of 31.

Scores attained in this manner gave an unbiased scheduling for acquisition and/or upgrading, based on engineering priorities.

The current ROW Acquisition and Upgrade Program, was adopted by the Council at its Ordinary Meeting held on 23 February 1998. The dramatic increase of infill development within the Town has resulted in much of the data being in need of updating, and this process has been in progress over the past twelve months.

Once the re-assessments have been completed, the adopted program will be revised to reflect current conditions and an amended program submitted to the Council for consideration.

Concurrently with the revision process, the Town is from time to time requested to accept ownership of private ROWs. Additionally, the Council has approved the acquisition or taking of a private ROW in order to resolve a right of access difficulty which may obstruct development. When these ROWs are acquired they become the Town's responsibility and have generally been "brought forward" therefore necessitating annual small adjustments to the adopted program.

ROW Policies relating to new residential developments

The Town's Policy relating to Street Setbacks provides for development to be setback 6 metres from ROWs, however, this setback may be, and is usually, varied in respect of the relationship with adjacent dwellings, orientation and the provision of private outdoor living areas. The Policy also states that car parking is to be accessible from an existing ROW where legally available.

The Town's Policy relating to Vehicular Access provides for the utilisation of existing ROWs wherever possible to reduce the number and width of crossovers to the frontage streets. Acceptable development includes:

When sole vehicular access is proposed from an unsealed ROW, the Town's Policy relating to Vehicle Access to Dwellings via a ROW is generally applied at either the planning or building application stage.

Development Approval Conditions

In relation to the Town's Policy relating to Vehicle Access to Dwellings via a ROW, where a ROW constitutes the sole access to a dwelling and that dwelling forms part of a development involving two (2) or more dwellings, a condition of development approval requires before occupation of the building, the ROW to be upgraded to the Town's specifications to provide sealed access from the dedicated road network to the furthest boundary of the lot, at the full cost of the developer.

CONSULTATION/ADVERTISING:

The assessments are carried out by Design staff and the Town's Co-ordinator, Engineering Services. No advertising or other consultation is conducted at this time.

LEGAL/POLICY:

There are no legal implications outside of the Town meeting its obligation to maintain those ROWs within its ownership in a satisfactory condition.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. “c) *Review options for a Right of Way management and upgrade strategy*”.

FINANCIAL/BUDGET IMPLICATIONS:

The Town's annual budget allocates \$300,000 for the implementation of the program.

COMMENTS:

The maintenance and care of privately owned ROWs is in law the responsibility of the ROW owner, or in the owner's absence, the adjacent property owners who have a legal right of access over the ROW.

The financial year 2006/2007 marks the completion of those ROWs owned by the Town. The Council has recently approved the acquisition of two (2) more ROWs which have been offered to the Town for a nominal sum, and together with those ROWs currently subject to the taking process, these will be prioritized for the 2007/2008 program. Further acquisitions will be actively pursued in accordance with the assessment criteria and a revised upgrade program will be presented to the Council in early 2007.

10.2.5 Proposed Street Streetscape Upgrade and Black Spot Improvement Project - Oxford Street, Leederville

Ward:	Both	Date:	28 November 2006
Precinct:	Oxford Centre Precinct P4, Leederville Precinct P3 & Mount Hawthorn Centre Precinct P2	File Ref:	TES0089 & TES0173
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the overall "Oxford Street Upgrade" Concept proposal as shown on drawing 2472-CP-1 and proposed "Stage 1" as shown on Plan No 2472-CP-2 including the proposed installation of a roundabout as part of the State Black Spot Improvement Project at the intersection of Bourke and Oxford Streets as shown on drawing 2472-CP-3;*
- (ii) *APPROVES IN PRINCIPLE;*
 - (a) *the overall "Oxford Street Upgrade" Concept proposal as shown on drawing 2472-CP-1 and submits the proposal to Main Roads WA, the Department for Planning and Infrastructure's Bikewest unit, the Bicycle Transport Alliance and Transperth for comment; and*
 - (b) *the proposed implementation of Stage 1 of the proposed Oxford Street upgrade project, between Bourke and Richmond Streets, including the proposed Bourke Street roundabout as shown on drawings 2472-CP-2 and 2472-CP-3;*
- (iii) *CONSULTS with the community (commencing in the latter part of January 2007) regarding Stage 1 of the proposed Oxford Street upgrade project, between Bourke and Richmond Streets, including the proposed Bourke Street roundabout as shown on drawings 2472-CP-2 and 2472-CP-3;*
- (iv) *CONSIDERS implementing further stages of the "Oxford Street Upgrade" proposal in subsequent financial years subject to the availability of funding and favourable comments from the stakeholders as mentioned in clause (ii) above; and*
- (v) *RECEIVES a further report/s on the proposal as outlined in clause (ii)(a) and clause (iii) once stakeholder feedback has been received.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell had left the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a proposal to implement a staged upgrade of Oxford Street, between Scarborough Beach Road and Richmond Street, to improve pedestrian safety, address an accident black spot, lower the speed limit and undertake further streetscape enhancements.

BACKGROUND:

Over the past three (3) years the Town has undertaken a series of capital improvement projects in Oxford Street, between Scarborough Beach Road and Richmond Street. The works included:

- Road resurfacing between Scarborough Beach Road and Anzac Road, as a Metropolitan Regional Road (MRR) Project
- Removal of the existing traffic signals and the installation of a new roundabout (RAB) at the intersection of Anzac Road as a State Black Spot Improvement Project
- Infill verge paving as a streetscape enhancement

Further, the Town currently has State Black Spot funding to construct a new roundabout at the intersection of Oxford and Bourke Streets in the current financial year.

The character of Oxford Street streetscape is changing as new and mooted developments occur and, whilst all the above projects have been successful and achieved the desired outcomes, it is considered that Oxford Street will not reach its full potential as significant Avenue within the Town without holistic approach to its upgrading.

DETAILS:

Oxford Street is classified as a District Distributor 'B' Road under the Metropolitan functional road hierarchy. It has a posted speed limit of 60 kph between Scarborough Beach Road and Melrose Street, from where it drops to 50 kph through to Leederville Parade.

Oxford Street essentially operates a two-lane road as parking is permitted at all times other than the eastern side south of Richmond Street, which is subject to a morning clearway.

Traffic data collected in Oxford Street during August 2006, following the completion of the RAB at Anzac Road, indicates that the:

- Average weekday traffic south of Anzac Road is in the order of 10,150 vehicles per day, evenly split between the north and south movement
- Average weekday traffic north of Anzac Road is 7,300 vpd indicating that some 2,850 vpd are entering Oxford Street from Anzac Road, with the vast majority from the western leg (Brady Street to Oxford Street)

Planning Process

Meeting with MRWA

When the Town first considered removing the traffic signals and constructing a roundabout at the intersection of Oxford Street and Anzac Road (in 2003/04), the Town's officers held a series of informal meetings with Main Roads WA to discuss the implications for traffic in the vicinity.

The meetings resulted in a board agreement that, in addition to the proposed roundabout, the Town should consider reducing Oxford Street to a single traffic lane in either direction, and install a continuous painted median with a series of pedestrian refuge islands to improve pedestrian safety while reducing the traffic speed, if not volume, as a first step to lowering the speed limit to 50 kph.

However, it was also recognised that to achieve a sustainable reduction in speed, additional traffic calming and control measures would be required.

State Black Spot Submission

In 2005 the Town was successful in securing State funding to install a RAB at the Bourke and Oxford Streets intersection. The RAB was in turn listed in the 2006/07 Capital Works Program, as adopted by Council at its Ordinary Meeting of 8 August 2006.

The proposed RAB at the intersection of Bourke Street will be the third constructed in Oxford Street, and the second in a proposed series of four, starting with the roundabout at Leederville Parade (existing), Bourke Street (proposed), Anzac Road (existing) and Scarborough Beach Road (proposed).

Roundabout

As mentioned above, the intersection of Oxford and Bourke Streets was nominated in 2005 for State Black Spot Funding based upon the accident frequency rate for the five (5) year period 2000 to 2004 inclusive.

In March 2006 MRWA advised that the Town's submissions had been successful and offered State funding of \$92,000, based upon the standard 2/3 State to 1/3 Local Government funding model, of which the Town's contribution is \$46,000, to install a roundabout at an estimated cost of \$138,000.00.

It is considered this proposal will maximise the road safety improvements without adversely impacting upon the amenity of local residents or businesses as no traffic movements will be restricted. The proposal has been endorsed in principle by Main Roads WA, and should reduce the likelihood of major accidents at this location.

Oxford Street - Overall Concept Plan

When developing a concept plan for an appropriate treatment for Oxford Street, there was a concern that without additional traffic calming/control measures between Anzac Road and Vincent Street, the operating speed of the road would not meet Main Roads WA criteria for a reduction in the speed limit to 50 kph.

The subsequent inclusion of the Oxford / Bourke intersection in the 'Black Spot' list afforded the Town the opportunity to not only improve a 'black spot', but to introduce an additional traffic calming measure (in Oxford Street), which would assist in meeting the criteria for a 50 kph speed limit.

The resultant concept, as outlined on attached Plan Nos 2472-CP-1 and 2472-CP-2, incorporates RABs at Scarborough Beach Road and Bourke Street, and while yet to be approved by Main Roads WA, addresses a majority of the issues discussed and includes the following elements:

- RAB intersection of Bourke and Oxford Streets (refer Plan No 2472-CP-3) with associated landscaping

- Future possible RAB intersection of Scarborough Beach Road and Oxford Street with associated landscaping (involves removing traffic signals and may be eligible for future 'Black Spot' funding)
- Proposed 1.2m wide continuous median in 'red asphalt' with strategically located raised pedestrian refuge islands
- Trees planted down the centre of the road at regular intervals, recommended species being Paperbarks in keeping with the existing street trees.
- Proposed 4.0m wide traffic lanes to accommodate both buses and cyclists
- Proposed 2.1m embayed parking lanes in 'red asphalt'.
- Proposed nibs located at pedestrian crossing points to reduce the width of road and improve sight distance.
- Extensive use of line marking.

Proposed Staged Implementation

The Town currently has \$35,000 for pedestrian safety improvements in Oxford Street listed in the 2006/07 Capital Works Budget.

The proposed Bourke and Oxford Streets RAB, as shown on Plan No 2472-CP-3, is a State Black Spot Improvement Project with a budget allocation of \$138,000 (2/3 State : 1/3 LG) and is scheduled to commence construction in the first quarter of 2007.

A future RAB at the intersection of Scarborough Beach Road and Oxford Street, in 2006 dollar terms, would be in excess of \$150,000.

The road surface in Oxford Street is showing signs of deterioration and, as a District Distributor B Road, is eligible for MRRP funding (2/3 State : 1/3 LG).

To fully implement the proposals as shown on Plan No 2472-CP-1, 2 & 3 (*Scarborough Beach Road to Richmond Street*) would be in the order \$630,000. Possible State Government contributions (*including the \$96,000 already committed to the Oxford / Bourke RAB,*) would be approximately \$355,000. Therefore, the Town's contribution would be in the order of \$275,000, of which \$81,000 has been allocated this financial year.

As Black Spot or MRRG funding applications are yet to be submitted for either the Scarborough Beach Road RAB, or the road resurfacing, the earliest these projects could proceed is 2007/08 and 2008/09 respectively and therefore, as a consequence, the 'overall' upgrade project would have to be staged over a number of financial years.

Officer Comments/Conclusions

Stage 1

Therefore, given that the maximum funding available for the median treatment, tree planting and embayed parking in the current financial year is \$35,000, it is recommended that the shortest section, being between Richmond and Bourke Streets, be undertaken, in conjunction with the proposed Bourke RAB as Stage 1 (refer Plan No 2472-CP-2).

Stage 2

In respect of Stage 2, as MRRG submissions are usually submitted two years prior to the proposed works, it is more likely that Black Spot funding for the Scarborough Beach Road RAB would be secured first. Therefore, if successful, the suggested Stage 2 would be the section between Scarborough Beach Road and Anzac Road to be constructed, again in conjunction with the RAB, in 2007/08.

Future Stages

The third and final stage in 2008/09 would link the Anzac Road and Bourke Street roundabouts and include the road resurfacing works.

South of Richmond Street

While there is scope to continue the works, south of Richmond Street (to Vincent Street), this section has been omitted from the concept plan as it falls within the Leederville Master Plan study area.

CONSULTATION/ADVERTISING:

It is recommended that proposals be advertised for 21 days in accordance with the Town's consultation policy.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2006/07 budget includes \$35,000 for Pedestrian Refuge Islands – Oxford Street and \$138,000 for the Proposed Black Spot Improvement Project, construction of a RAB at the intersection of Oxford and Bourke Streets, Leederville, of which the State is contributing \$92,000. The costs of Stages 2 and 3 of the project will be the subject of future reports to Council.

COMMENTS:

As indicated in the report, the character of the Oxford Street streetscape is constantly evolving as new and future developments are completed. The Proposed Oxford Street Upgrade concept plans are intended to complement and enhance both the existing and future community needs and expectations and has been developed in consultation with Planning Services who are currently undertaking a Town Planning Scheme Review which will include Town Centre Concept Plans.

In light of the success of the Oxford Street / Anzac Road roundabout, it is considered that the proposed Stage 1 of the streetscape enhancement works and roundabout at the Oxford and Bourke Streets intersection will continue the intended transformation of Oxford Street.

10.4.2 Adoption of Employee of the Month Award Policy No. 5.3.2 and Sponsorship Agreement with North Perth Community Bank

Ward:	-	Date:	23 November 2006
Precinct:	-	File Ref:	ADM0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the review of the Employee of the Month Award;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt Policy No. 5.3.2 - "Employee of the Month Award", as shown in Appendix 10.4.2(A);*
- (iii) *APPROVES;*
 - (a) *a Sponsorship Agreement between the Town and North Perth Community Bank, as outlined in this report; and*
 - (b) *the Chief Executive Officer to finalise and sign the Agreement; and*
- (iv) *NOT advertise this Policy, as it relates to the Town's employees and does not affect or impact on the community.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Torre was an apology. Cr Farrell had left the meeting.)

PURPOSE OF REPORT:

The purpose of the report is to approve of changes to the Employee of the Month Award, formally adopt a policy for the matter and to approve of a sponsorship arrangement with the North Perth Community Bank.

BACKGROUND:

At the Ordinary Meeting of Council held on 27 May 1996, the Council approved of an Employee of the Month Award to be introduced, commencing on 1 July 1996.

This Award has been made each month and the initial amount of \$50 cash was increased to \$75 several years ago. Recently several Elected Members have suggested that the amount be reviewed and increased to reflect the consumer price index, as the amount has not been increased for several years.

Since its inception in 1996, the Employee of the Month Award has been most successful and allows employees providing exceptional customer service to be recognised. It also provides the opportunity for members of the public, Elected Members and management to make nominations.

DETAILS:

The introduction of "Employee of the Month" Award is considered to have beneficial effects in the provision of service by Council employees. Many organisations, both private, Local Government and Government, provide a variety of awards as an incentive to their employees and to acknowledge exceptional and outstanding service or acts which have been positively recognised.

Many employees provide service which is considered above and beyond their normal duty and in some cases, this goes unrecognized. The positive benefits of such awards can be summarized as follows:

1. the individual's efforts are recognised;
2. an incentive is provided for all staff to contribute to the betterment of service to the ratepayers, residents and visitors to the Town;
3. an incentive is provided to encourage all staff to maintain a high level of efficient and effective service;
4. it promotes a positive relationship between the community, Council and its Administration.

It is well recognised that the most valuable assets of an organization are its employees.

During recent discussions between the Town's Chief Executive Officer and the Manager of the North Perth Community Bank (NPCB), the Chief Executive Officer raised this matter - which was positively received. The NPCB is keen to promote itself in the community and to foster relationships within the Town of Vincent. If approved, an Agreement would be signed between the Town and NPCB as follows;

1. Cash sponsorship of \$100 per month (to be paid annually).
2. The Award being named "Town of Vincent Employee of the Month" with the following words being added to the Certificate (and photo frame mount) - *"Proudly sponsored by North Perth Community Bank"* - as shown in Appendix 10.4.2(B).
3. The sponsorship agreement would be for a period of five (5) years, commencing on 1 January 2007, subject to the following conditions;
 - (a) Either party reserving the right to terminate the agreement at their discretion, by giving thirty (30) days' notice.
 - (b) North Perth Community Bank having the first right of refusal to renew the Agreement, at the end of the five (5) year period.

(c) North Perth Community Bank to receive the following benefits:

- Sponsor's acknowledgement on the Certificate, photo display and also in the Town's employee Newsletter (which is sent to over 200 employees each month);
- Occasional photo opportunities with the recipient and Mayor - for use in the Town of Vincent and Staff Newsletters;
- Sponsor's acknowledgement in the staff recreation room and on the Certificate of annual recipients, which is displayed in the Staff Recreation Room.

CONSULTATION/ADVERTISING:

The Town's policies are advertised in accordance with the Town's Community Consultation Policy. However, this policy relates to Town employees and does not affect or impact on the community. Accordingly, it is recommended that it not be advertised for community consultation. (Furthermore, it is formalising a practice which has been in existence since 1996.)

LEGAL/POLICY:

Policies are not legally binding on the Town, but provide guidance to the Town's Administration and Elected Members, when dealing with the matter.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2006-2011 - "Guiding Values" includes *"excellence and service"*

This matter is keeping the Strategic Plan Key Result Area 4 - "Leadership Governance and Management"; in particular 4.2.2 - *"Improve employee performance, recognition and award"* and 4.2.4 - *"Attract and retain quality employees"*.

FINANCIAL/BUDGET IMPLICATIONS:

The costs for conducting such an award would be as follows;

	Cost
Monthly Award - \$100	\$1,200
Cost of five (5) photographs @ \$5.95 each (\$29.75 per month x 12)	\$357
Printing of Certificate - \$5 each	\$60
Purchase of Five (5) Frames (~\$12 each)	\$60
Total	\$1,677

The costs of this Award have previously been charged against the Town's Public Relations account. However, should Council approve of the sponsorship agreement with the North Perth Community Bank, savings of approximately \$1,200 per year will be achieved.

COMMENTS:

The current Employee of the Month Award will be formalised into a Policy. A sponsorship agreement will be entered into, if approved.

In view of the positive benefits, it is recommended that the Council approve of the changes to the Town's Employee of the Month Award, as detailed in this report.

10.4.3 Policies – Human Resources - Readoption of Existing Policy and New Policies

Ward:	-	Date:	29 November 2006
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to:**
 - (a) *amend and re-adopt “Policy 5.6.18 - Employee Uniforms, Protective Clothing and Footwear” as shown in Appendix 10.4.3;*
 - (b) *adopt new “Policy 5.5.8 - Employee Casual Dress” as shown in Appendix 10.4.3; and*
 - (c) *delegate, pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995 the exercise of powers and duties to the Chief Executive Officer the following delegation:*

<i>No.</i>	<i>Area</i>	<i>Description of Council Function Delegated to the Chief Executive Officer from Council</i>	<i>Assignee(s)</i>	<i>Conditions</i>
<i>10A</i>	<i>Chief Executive</i>	<i>Authority to amend and update current adopted Human Resources policies</i>	<i>CEO</i>	<i>Subject to there being no significant:</i> <i>(a) variation to the policy.</i> <i>(b) cost implications to the Town.</i>

- (ii) *NOT advertise the Human Resource policies for community consultation as these policies relate to the Town's Employees only and do not have any impact on the community.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Torre was an apology. Cr Farrell had left the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to re-adopt existing and new policies which relate to the Town's employees and seek delegated authority to the Chief Executive Officer to update and amend current adopted Human Resources policies.

BACKGROUND:

The Town's Human Resources Policy Manual was adopted on 21 December 2004 and is based on the WALGA Workplace Solutions Model Human Resources Manual.

These policies relate to the Town's employees and from time to time there is a need to amend and update existing policies and to adopt new policies as required.

DETAILS:

The following details are provided:

1. 5.6.18 - Uniforms, Protective Clothing and Footwear - Amendment and Readoption

This policy prescribes the standard and quantity of uniform allocation provided to the Town's employees and amounts relating to the purchase of protective footwear.

This policy has been amended to provide more specific information relating to the number items and type provided to each employee. This formalises the current practices which exists in various sections of the Town (Administration, outside workforce, Rangers and Beatty Park Leisure Centre).

2. 5.5.8 - Employee Casual Dress Day

This is a new policy which formalises the current practice of Administration employees being afforded the opportunity to wear casual dress on a specific day instead of the usual business attire.

The Staff Social Club has been organising this practice (for approximately the last 18 months), which is aimed at improving employee morale by providing variety and flexibility. Participating employees have been required to provide a "gold coin donation", which is then donated to a nominated charity. Approximately \$100 is collected each week.

An improvement to the current practice has been for the introduction of a payroll deduction which is authorised by the employee. This saves time and effort to the employer in collecting the weekly donations and also provides a benefit to the employee as they will be given a receipt for their donations which can be claimed as a tax deduction.

It is considered appropriate to formalise the current practice to prescribe minimum standards for casual dress and also the payroll deduction.

CONSULTATION/ADVERTISING:

As the Human Resource policies only relate to employees and not impact on the community, it has been the Town's practice not to advertise these for community consultation.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.41 prescribes the powers of the Chief Executive Officer to be responsible for the employment, management, supervision, direction and dismissal of employees (other than senior employees).

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 - Key Result Area 4 - Governance and Management - 4.2.3
Promote employee satisfaction and well being and a safe and positive workplace.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council approve the amended and new policies as detailed in this report.

**10.4.6 Establishment of a Town Planning Scheme Review Committee -
Reconsideration of Membership and Terms of Reference**

Ward:	Both Wards	Date:	29 November 2006
Precinct:	All Precincts	File Ref:	PLA0166
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Mayor Catania, and Councillors Doran-Wu and Messina, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and*

(ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 21 November 2006 (Item 10.4.8), as shown below;*

(a) *amending the Terms of Reference, Clause 2.0 "Membership" by deleting the following words and Clause 2 (as shown by strikethrough);*

"The membership of the Town Planning Scheme Review Committee shall comprise ~~up to nine (9) persons consisting of:~~

- 1. The Mayor (Presiding Member);*
- 2. ~~Four (4) Councillors Two (2) Councillors from the North Ward and two (2) Councillors from the South Ward;~~*
- 3. Executive Manager Environmental and Development Services (non-voting);*
- 4. Manager Planning, Building and Heritage Services (non-voting);*
- 5. Planning Officer (Strategic) (non-voting); and*
- 6. Chief Executive Officer (ex-officio – non-voting)."*

and inserting;

"2. Elected Members as nominated and approved by the Council";

as shown in Appendix 10.4.6; and

(b) *deleting sub-clauses (b) to (e) (as shown by strikethrough);*

(iv) *APPOINTS BY AN ABSOLUTE MAJORITY the following Committee Members:*

- (a) Mayor Nick Catania (Presiding Member)*
- (b) ~~Councillor Chester from the North Ward;~~*
~~(Deputy Member Maier);~~

- ~~(e) — Councillor Farrell from the North Ward;
(Deputy Member Doran-Wu);~~
- ~~(d) — Councillor Messina from the South Ward;
(Deputy Member Torre);~~
- ~~(e) — Councillor Ker from the South Ward;
(Deputy Member Lake);~~
- (f) Executive Manager, Environmental and Development Services,
Rob Boardman (non-voting);
- (g) Manager Planning, Building and Heritage Services, Des Abel
(non-voting); and
- (h) Planning Officer (Strategic), Helen Smith (non-voting);
- (i) Chief Executive Officer, John Giorgi (ex-officio – non-voting);

and inserting;

"(b) Elected Members, as nominated;"

Cr"; and

(* Nominations to be called.)

(iii) APPROVES BY AN ABSOLUTE MAJORITY Committee Members as nominated;

Cr

Cr

Cr

Cr

Cr

Cr

Cr "

Cr "

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

The Presiding Member advised that he had received nominations from all Councillors with the exception of Cr Torre. Cr Doran-Wu nominated Cr Torre.

The Presiding Member advised that all Councillors would be Committee Members.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Torre was an apology. Cr Farrell had left the meeting.)

COUNCIL DECISION ITEM 10.4.6

That;

(i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Mayor Catania, and Councillors Doran-Wu and Messina, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and*

(ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 21 November 2006 (Item 10.4.8), as shown below;*

(a) *amending the Terms of Reference, Clause 2.0 "Membership" by deleting the following words and Clause 2 (as shown by strikethrough);*

"The membership of the Town Planning Scheme Review Committee shall comprise ~~up to nine (9) persons consisting of:~~

- 1. The Mayor (Presiding Member);*
- 2. ~~Four (4) Councillors — Two (2) Councillors from the North Ward and two (2) Councillors from the South Ward;~~*
- 3. Executive Manager Environmental and Development Services (non-voting);*
- 4. Manager Planning, Building and Heritage Services (non-voting);*
- 5. Planning Officer (Strategic) (non-voting); and*
- 6. Chief Executive Officer (ex-officio – non-voting)."*

and inserting;

"2. Elected Members as nominated and approved by the Council";

as shown in Appendix 10.4.6; and

(b) *deleting sub-clauses (b) to (e) (as shown by strikethrough);*

(iv) *APPOINTS BY AN ABSOLUTE MAJORITY the following Committee Members:*

- (a) Mayor Nick Catania (Presiding Member)*
- (b) ~~Councillor Chester from the North Ward;~~
~~(Deputy Member Maier);~~*
- (c) ~~Councillor Farrell from the North Ward;~~
~~(Deputy Member Doran-Wu);~~*
- (d) ~~Councillor Messina from the South Ward;~~
~~(Deputy Member Torre);~~*
- (e) ~~Councillor Ker from the South Ward;~~
~~(Deputy Member Lake);~~*

- (f) *Executive Manager, Environmental and Development Services, Rob Boardman (non-voting);*
 - (g) *Manager Planning, Building and Heritage Services, Des Abel (non-voting); and*
 - (h) *Planning Officer (Strategic), Helen Smith (non-voting);*
 - (i) *Chief Executive Officer, John Giorgi (ex-officio – non-voting); and*
- (iii) **APPROVES BY AN ABSOLUTE MAJORITY Committee Members as nominated;**
- “Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina
Cr Torre.”*

PURPOSE OF REPORT:

The purpose of this report is for the Council to change part of its decision made at the Ordinary Meeting of Council held on 21 November 2006 concerning membership of a Town Planning Scheme Review Committee to assist in the review of Town Planning Scheme No.1.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 November 2006, this matter was considered by the Council and Council resolved as follows;

"That the Council;

- (i) *RECEIVES the report in relation to the establishment of the Town Planning Scheme Review Committee;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY the establishment of the Town Planning Scheme Review Committee, pursuant to Section 5.8, Subdivision 2, Division 2 of the Local Government Act 1995, to exercise the powers and discharge the duties contained in the Town Planning Scheme Review Committee Terms of Reference, as shown in Appendix 10.4.8;*
- (iii) *ADOPTS the Town Planning Scheme Review Committee Terms of Reference as shown in Appendix 10.4.8;*

- (iv) *APPOINTS BY AN ABSOLUTE MAJORITY the following Committee Members:*
- (a) *Mayor Nick Catania (Presiding Member)*
 - (b) *Councillor Chester from the North Ward;
(Deputy Member Maier);*
 - (c) *Councillor Farrell from the North Ward;
(Deputy Member Doran-Wu);*
 - (d) *Councillor Messina from the South Ward;
(Deputy Member Torre);*
 - (e) *Councillor Ker from the South Ward;
(Deputy Member Lake);*
 - (f) *Executive Manager, Environmental and Development Services, Rob Boardman
(non-voting);*
 - (g) *Manager Planning, Building and Heritage Services, Des Abel (non-voting);
and*
 - (h) *Planning Officer (Strategic), Helen Smith (non-voting);*
 - (i) *Chief Executive Officer, John Giorgi (ex-officio – non-voting); and*
- (v) *REQUESTS the Chief Executive Officer to present a further report to the Council once the Committee has met and established a way forward regarding the Town Planning Scheme Review.*

Note: *Clause (iv) is deemed invalid as it is contrary to Standing Orders clause 5.9 (2). Also the Terms of Reference - Membership is required to be amended to reflect the number of Members. A further report will be submitted to the Ordinary Meeting of Council to be held on 5 December 2006."*

DETAILS:

At the Ordinary Meeting of Council held on 21 November 2006, the Council considered the matter of establishing a Town Planning Scheme Review Committee, until 31 March 2007.

The Local Government Act 1995 Section 5.10(2) entitles a Council Member to be a member of at least one Committee.

The Town does not operate a formal Committee system and only has an Audit Committee, as required by the Local Government Act. All other matters are dealt with at Council Meetings or by delegated authority to the Chief Executive Officer.

At the Ordinary Meeting of Council held on 21 November 2006, during consideration of this item, the specific section of the Act was raised. Due to insufficient time to research the matter, the Council resolved to approve members and deputy members of the Committee.

The Council decision is required to be changed to reflect the requirements of the Local Government Act and Standing Orders.

Accordingly, it is appropriate for the Council to call for nominations to the Committee and also amend the Terms of Reference.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

There is a legal requirement for the Town to commence a review of its Town Planning Scheme No.1 every five years, and to bring this to completion as soon as practicable.

Legal Status of Town Planning Scheme Review Committee

Sections 5.8 to 5.25, inclusive, of the Local Government Act 1995 deal with committees and their meetings. Section 5.8 states as follow:

"A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

* *Absolute majority required."*

Section 5.10(2) - *"Appointment of Committee Members"* states;

"(2) At any given time each Council Member is entitled to be a member of at least one committee referred to in Section 5.9(2)(a) or (b) and if a Council Member nominates himself or herself to be a member of such a committee or committees, the local government is to include that Council Member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides."

Clause 4.1 to 4.6, inclusive, of the Town of Vincent Local Law relating Standing Orders also addresses committees. Clauses 4.1 and 4.2 state as follows:

"4.1 Committees

Committees of the Council shall operate in accordance with the Act, its regulations and these Standing Orders.

4.2 Standing Orders to apply to committees

These Standing Orders shall apply generally to the proceedings of committees of the Council except that the requirement for Members to speak only once shall not be applied in committee meetings."

Minutes of the Committee are to be submitted to the next Ordinary Meeting of Council.

The Committee shall appoint a Deputy Presiding Member. The Committee shall approve of meeting times and dates and these are to be advertised to the public.

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 2006/2007 Budget lists \$88,760 for Town Planning Scheme Amendments and Policies.

COMMENTS:

It is recommended that the Council reconsider the matter as outlined in the report.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Refer to page 109.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

The Presiding Member advised that the Council would proceed "*behind closed doors*" to consider Item 13.1 - Urgent Business distributed to Elected Members prior to the meeting as it contains commercially sensitive information and Confidential Items 14.1, 14.2, 14.3 and 14.4.

At 9.25pm Moved Cr Ker, Seconded Cr Maier

That the meeting proceed "behind closed doors" to discuss Items 13.1, 14.1, 14.2, 14.3 and 14.4 as they contain commercially sensitive information and legal advice obtained, or which may be obtained by the Town.

CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell had left the meeting.)

The Presiding Member called a five (5) minute adjournment.

At 9.30pm The meeting reconvened with the following present:

Mayor Nick Catania, JP	Presiding Member
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
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicker	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

13.1 URGENT BUSINESS – Disposal of Property – Part Lot 10 Corner Brewer and Pier Streets, Perth

Ward:	-	Date:	5 December 2006
Precinct:	-	File Ref:	
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **CONSIDERS** the offer of \$***** for the disposal of property Part Lot 10 Corner Brewer and Pier Streets, Perth from Schnapper Developments Pty Ltd with the condition that an unconditional development approval for 41 apartments over the adjoining sites is granted; and
- (ii) **ADVISES** the applicant of the outcome of the consideration of the offer.

COUNCIL DECISION ITEM 13.1

That the Council;

- (i) **REJECTS** the offer of \$***** for the disposal of property Part Lot 10 Corner Brewer and Pier Streets, Perth from Schnapper Developments Pty Ltd; and
- (ii) **ADVISES** the applicant of the outcome of the consideration of the offer.

PURPOSE OF REPORT:

To present an offer from Schnapper Developments Pty Ltd for Part Lot 10 Corner Brewer and Pier Streets, Perth.

BACKGROUND:

This matter was previously discussed by Council at its Ordinary Meeting held on 24 October 2006. The following resolution was adopted.

“That the Council;

- (i) **APPROVES** the disposal of property Part lot 10, Corner Brewer and Pier Streets Perth, as shown in Appendix 14.5 by private sale to Schnapper Developments Pty Ltd for the highest price to be negotiated for an amount not less than \$*****, in accordance with Section 3.58 of the Local Government Act 1995, subject to;
 - (a) the sale price being not less than \$*****;

- (b) *prior to the issue of a Building Licence, the subject land at Nos. 59 - 61 (Lots 20, 19, 18, 17 16 and Pt 10) Brewer Street, Perth shall be amalgamated into one lot on Certificate of Title, all costs associated with this condition shall be borne by Schnapper Developments Pty Ltd;*

to the satisfaction of the Chief Executive Officer; and

- (ii) *AUTHORISES the Chief Executive Officer to;*

- (a) *negotiate the sale terms, conditions and price to be negotiated for an amount not less than \$***** (with the aim to achieve the highest possible price) with the prospective purchaser;*
- (b) *accept a sale price of not less than \$***** (with the aim to achieve the highest possible price), in liaison with the Mayor;*
- (c) *advertise on a local basis for not less than two (2) weeks, seeking submissions from the public on the proposal to dispose the land; and*
- (d) *advise the purchaser/developer/applicant that in the event that the land sale is successful, the Town will require the following conditions to be applicable on the proposed development to be constructed at Nos. 59 - 61 (Lots 20, 19, 18, 17 16 and Pt 10) Brewer Street, Perth:*
- (1) *environmentally sustainable building design/initiatives are to be incorporated into the proposed building/project;*
- (2) *should density or plot ratio bonuses are requested by the purchaser/developer/applicant, the proposed development is to incorporate an Affordable Housing component under the Terms and Conditions of sale to be determined by the Town; and*

- (iii) *NOTES that a further report will be submitted to the Council at the end of the advertising period to consider any submissions received."*

DETAILS:

Subsequent to the Council meeting of 24 October 2006, the Executive Manager Corporate Services met with a representative of Schnapper Developments Pty Ltd to advise of the outcome of the Council's decision to not accept a sale price less than \$***** for the subject property.

On Friday 24 November 2006, an email was received from Schnapper Developments with an increased offer of \$***** from the \$***** advised in their letter dated 24 October 2006.

The offer of \$***** was considered too low to present to Council.

The representative of Schnapper Developments phoned the Executive Manager Corporate Services on 28 November to ascertain the status of the offer.

Following discussions with the Chief Executive Officer, it was agreed that the Town would be prepared to put an offer of \$***** or above to the Council for consideration. This was confirmed to Schnapper Developments by email on 29 November and formalised in a letter dated 1 December 2006.

An email was received from Schnapper Developments on 5 December 2006 with an offer of \$***** subject to the previous condition that an unconditional development approval for 41 apartments over the adjoining sites is approved.

The applicant has submitted an application which includes the adjoining Town lot into his plan (no approval has been granted by the Town for this). It is understood that Technical Services have already identified some concerns with the plans, and the Planning section will not assess the application until this property matter is resolved.

CONSULTATION/ADVERTISING:

Public notice of the proposed disposal must be given and inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than two weeks after the notice is first given.

LEGAL/POLICY:

The Local Government Act 1995 Section 3.58(3) deals with disposal of property other than by auction or public tender.

FINANCIAL IMPLICATIONS:

The Town will receive at least \$***** if the sale proceeds, these funds were not budgeted for in the 2006.07 Annual Budget.

COMMENTS:

The offer is presented to Council for its consideration as part of the negotiation process, it is acknowledged that the offer is below the amount that was resolved at the Council meeting held on 24 October 2006 and includes some substantial conditions. The applicants have requested that this current offer be presented to the Council.

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

14.1 Premier's Australia Day Active Citizenship Awards - Nominations for 2007

Ward:		Date:	28 November 2006
Precinct:		File Ref:	CVC0005
Attachments:			
Reporting Officer(s):	A Smith, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *SUPPORTS the nomination of ***** for the Premier's Australia Day Active Citizenship Award in the category of "A Person of 25 Years or Older" for their services to the Vincent community as outlined in Confidential Appendix A;*
- (ii) *CONSIDERS the nomination of ***** for the Premier's Australia Day Active Citizenship Award in the category for a "Community Group or Event", as outlined in Confidential Appendix A;*
- (iii) *NOTES that no nominations were received for the category of "A Person Under 25 years";*
- (iv) *FORWARDS these nominations to the Australia Day Council of Western Australia for consideration; and*
- (v) *NOTES that the Awards will be presented at the Town's Australia Day Ceremony to be held on 26 January 2006.*

(Names to remain confidential until approved by the Australia Day Council.)*

COUNCIL DECISION ITEM 14.1

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell had left the meeting.)

DETAILS:

In October 2006 the Australia Day Council of Western Australia wrote to the Town advising of the Premier's Australia Day Active Citizenship Awards. The Awards foster, recognise and celebrate significant contributions to community life and active citizenship in all local government areas of Western Australia.

Guidelines and Criteria

Each year two local citizens and one local community group in each local government area are eligible for this Award. Only one nomination in each category can be forwarded to the Australia Day Council for consideration.

The recipients are selected from people and groups who have made a noteworthy contribution during the current year, or given outstanding service to the local community over a number of years through active involvement.

Categories

The Awards include the following categories:

- Premier's Australia Day Active Citizenship Award for a person of 25 years or older
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award for a community group or event

Selection Criteria

The winners will have been judged to have shown active citizenship and:

- Significant contribution to the local community.
- Demonstrated leadership on a community issue resulting in the enhancement of community life.
- A significant initiative which has brought about positive change and added value to community life.
- Inspiring qualities as a role model for the community.

Eligibility Criteria

- Nominees should reside principally within the local authority.
- Awards will not be granted posthumously.
- Groups of people or couples will not normally be eligible except when meeting the criteria for a community group.
- A person cannot receive the same award twice, but can be considered for another award.
- Unsuccessful nominees may be nominated in future years.
- Sitting members of State, Federal and Local Government are not eligible.

Judging Process

All category winners of the Premier's Australia Day Active Citizenship Awards will be selected from nominations received from the community, your local government or its appointed committee.

The Australia Day Council judging panel will be made up of representatives from the local government and the local community.

These prestigious awards are only available to one recipient in each category in each year. Where local government represents more than one district or town, awards may be made to one winner from each category in each centre.

The judge's decision will be final and no correspondence will be entered into by the Australia Day Council of Western Australia.

ADVERTISING/CONSULTATION:

In October 2006 a call for nominations was advertised in the local papers, on the website and through letters to the precinct groups and all schools in the Town. Nominations received by the closing date are shown in the Confidential Report circulated separately to Elected Members.

FINANCIAL/BUDGET IMPLICATIONS:

Nil – apart from advertising costs in the community newspapers.

LEGAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

COMMENTS:

The Award is recognition of a community member's service to the community, fosters community spirit and pride. Accordingly, it is recommended that the nominations be forwarded to the Australia Day Council of Western Australia for consideration.

14.2 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places - Group 4 Properties/Places

Ward:	Both Wards	Date:	28 November 2006
Precinct:	All Precincts	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places - Group 4 Properties/Places, as the matter contains information of a sensitive personal/financial nature and/or of a legal nature; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.2

That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) **GROUP 4** - *Properties where the owner has clearly objected and more information is required to be obtained via a Full Assessment, before an informed decision can be made;*
 - (a) *DEFERS listing the following properties, as more information is required to be obtained and a Full Assessment is necessary, before an informed decision can be made;*
 1. *Nos. 30 - 44 (Lots 1& 2) Angove Street, North Perth*
 2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
 3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
 4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
 5. *Nos. 294(Lot 1) and 296 (Lot 2) Bulwer Street, Perth*
 6. *No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)*
 7. *No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)*
 8. *No. 4 (Lot 2) Coogee Street, Mount Hawthorn*
 9. *No. 220 (Lot 35) Charles Street, North Perth*
 10. *No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)*
 11. *Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth*
 12. *No. 13 (Lot 43) Daphne Street, North Perth*
 13. *No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn*
 14. *No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn*
 15. *No. 53 (Lot 26) Florence Street, West Perth*
 16. *No. 459 (Lot 8) Fitzgerald Street, North Perth*
 17. *No. 3 (Lot 10) Gallop Street, West Perth*

18. *No.107 (Lot 18) Glendower Street, Perth (Part of Group)*
 19. *Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)*
 20. *No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)*
 21. *No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley*
 22. *No. 42 (Lot 24) Lynton Street, Mount Hawthorn*
 23. *No. 25A (Lot 2) Leake Street, North Perth*
 24. *No. 183 (Lot 66) Loftus Street, Leederville*
 25. *No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)*
 26. *No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)*
 27. *No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)*
 28. *No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)*
 29. *No. 336 (Lot 6 & 8) Oxford Street, Leederville*
 30. *No. 99 (Lot 2) Palmerston Street, Perth*
 31. *No. 109 (Lot 9) Palmerston Street, Perth*
 32. *Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)*
 33. *No. 62 (Lot 1) Robinson Avenue, Perth*
 34. *Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)*
 35. *No.240 (Lot 136) Stirling Street, Perth (Part of Group)*
 36. *No. 234 (Lot 302) Stirling Street, Perth*
 37. *Nos. 10 - 12 (Lot 1) View Street, North Perth*
 38. *No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)*
 39. *Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)*
 40. *No. 131 (Lot 51) Lake Street, Perth*
 41. *No. 105 (Lot 1) Brisbane Street, Perth*
 42. *No. 357 (Lot 3) Lord Street, Highgate*
 43. *No. 154 (Lots 288 & 289) Raglan Road, North Perth; and*
- (b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place.*

The following Confidential Report has been made public.

PURPOSE OF REPORT:

The purpose of this report is to enable the Council to consider and determine the procedure of determination of Group 4 properties/places, which was the subject of an Agenda Report to the Ordinary Meeting of Council held on 21 November 2006, regarding the methodology for considering approximately 109 submissions received for Category B places identified as part of the draft Municipal Heritage Inventory (MHI).

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these according.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following groups:

- GROUP 1 - Properties where the owner has either lodged or not lodged an objection and the property is considered not to meet the threshold for inclusion on the Municipal Heritage Inventory (MHI);
- GROUP 2 - Properties forming part of a group, where the owner has not objected but forms part of a group within which another owner has objected. These places without objections are considered to meet the threshold for inclusion on the Town's MHI; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006 the Council considered however, did not make a formal decision on "Group 4' properties/places due to a procedural oversight. It is therefore necessary for the Council to consider and determine the matter.

- GROUP 4 - Properties where the owner has clearly objected and more information is required to be obtained via a Full Assessment, before an informed decision can be made.

DETAILS:

The Council did not make a formal decision regarding the Group 4 Category B properties/places identified as part of the draft MHI at its Ordinary Meeting held on 21 November 2006. It is therefore necessary that the Council reconsider and determine the matter.

COMMENTS:

It is recommended that the Council consider and determine the procedure of determination of Group 4 properties/places listed in Category B of the draft MHI, as provided in the Officer Recommendation.

14.3 CONFIDENTIAL REPORT- No. 26 (Lot 220 D/P: 3845), Killarney Street Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Single Storey Single House - State Administrative Tribunal - Review Matter No. DR 395 of 2006 - Draft "Without Prejudice" Conditions and Directions Hearing

Ward:	North	Date:	27 November 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3596; 5.2006.272.1
Attachments:	-		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No 26 (Lot 220 D/P: 3845), Killarney Street Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Single Storey Single House - State Administrative Tribunal - Review Matter No. DR 395 of 2006 - Draft "Without Prejudice" Conditions and Directions Hearing; and*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the State Administrative Tribunal (SAT) in response to the SAT Orders dated 27 October 2006:*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
 - (b) *any new street/front wall, fence and gate between the Killarney Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (c) *first obtaining the consent of the owners of Nos. 24 and 28 Killarney Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls and piers facing Nos. 24 and 28 Killarney Street in a good and clean condition;*
 - (d) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
 - (e) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (iii) *INVITES COUNCILLOR..... to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Cr Messina left the meeting at 9.58pm as he was feeling unwell.

Debate ensued.

The Presiding Member called for nominations in accordance with clause (iii). No nominations were received. Accordingly, clause (iii) is deleted from the Council's decision.

CARRIED (6-0)

(Cr Torre was an apology. Crs Farrell and Messina had left the meeting.)

COUNCIL DECISION ITEM 14.3

That the Council;

- (i) *RECEIVES the report relating to No 26 (Lot 220 D/P: 3845), Killarney Street Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Single Storey Single House - State Administrative Tribunal - Review Matter No. DR 395 of 2006 - Draft "Without Prejudice" Conditions and Directions Hearing; and*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the State Administrative Tribunal (SAT) in response to the SAT Orders dated 27 October 2006:*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
 - (b) *any new street/front wall, fence and gate between the Killarney Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (c) *first obtaining the consent of the owners of Nos. 24 and 28 Killarney Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls and piers facing Nos. 24 and 28 Killarney Street in a good and clean condition;*
 - (d) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
 - (e) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence.*

Note: *The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.*

PURPOSE OF REPORT:

- To update the Council of the above review matter.
- To comply with the requirements of the Town's Policy/Procedure for State Administrative Tribunal.
- To advise the Council of the draft "without prejudice" conditions for the above review matter.

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

BACKGROUND:

23 October 2006

The Town, under delegated authority from the Council, refused the application for demolition of a single house and construction of a single storey single house for the following reasons;

- "(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the Town's Policy relating to Street Setbacks as the proposed garage is required to be setback 6.0 metres from the frontage street, Killarney Street, or behind the line of the front main building line (not open verandah, porch, portico, balcony and the like) of the dwelling."*

22 November 2006

Directions Hearing held at the State Administrative Tribunal (SAT).

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Setbacks: Front	4 metres to main building, garage required to be setback 6 metres from the frontage street or behind the line of the front main building line (not open verandah, porch, portico, balcony and the like) of the dwelling.	Garage setback 4.5 metres from the frontage street. Main house setback 6.9 metres from the frontage street.	Not Supported- non-compliant with the Town's Policy relating to Street Setbacks and is considered to have an undue impact on the preservation and amenity of the existing streetscape.
East	1.5 metres	Nil-1.5 metres	Supported- not considered to have an undue impact on adjoining landowners.
West	1.5 metres	Nil-1.5 metres	
Building on Boundary:	Walls with an average height of 3 metres and a maximum height of 3.5 metres for no more than 2/3 the length of the balance of the boundary to one side boundary	3 boundary walls, height and length compliant.	Supported- as above.
Consultation Submissions			
Consultation was not required in this instance as the application was refused by the Town's Officers under delegated authority from the Council.			

DETAILS:

Mr. Simon Bain has been engaged to represent the Town in the above review process. At the Directions Hearing held on 22 November 2006, the Council was required to prepare draft "*without prejudice*" conditions.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Planning and Development Act 2005, State Administrative Tribunal Act 2004 and the Town's Policy No. 4.1.23 - Procedure For State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of Mr. Simon Bain of SJB Town Planning and Urban Design.

COMMENTS:

On the above basis, the following is recommended:

- The Council receives the report; and
- The Council applies appropriate draft "*without prejudice*" conditions as required in the SAT Orders dated 22 November 2006.

14.4 CONFIDENTIAL REPORT - No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley - Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building - State Administrative Tribunal - Review Matter No. DR 343 of 2006 - Directions Hearing

Ward:	South	Date:	28 November 2006
Precinct:	Forrest; P14	File Ref:	PRO1205; 5.2005.3183.1
Attachments:	-		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 343 of 2006, the applicant's offers of either cash-in-lieu for parking or the buying or rental of public parking bays, for Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building at No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley and as shown on revised plans stamp-dated 27 September 2005, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No.1;*
 - (c) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
 - (d) *consideration of the objections received;*
- (ii) *INVITES COUNCILLOR..... to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing"; and*
- (iii) *INVITES the eleven (11) residents who objected to the proposal to submit written submissions (witness statements) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

The Presiding Member called for nominations in accordance with clause (ii). No nominations were received. Accordingly, clause (ii) is deleted from the Council's decision.

Moved Cr Maier, Seconded Cr Lake

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

"(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council:

(a) DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 343 of 2006, the applicant's offers of either cash-in-lieu for parking or the buying or rental of public parking bays, for Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building at No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley and as shown on revised plans stamp-dated 27 September 2005, ~~for the following reasons: because the application was not assessed as having a car parking shortfall; and~~

(b) REITERATES that it DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 343 of 2006, the Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building at No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley and as shown on revised plans stamp-dated 27 September 2005, for the following reasons:

(a 1) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;

(b 2) the non-compliance with the Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No.1;

(c 3) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and

(d 4) consideration of the objections received;"

AMENDMENT CARRIED (6-0)

(Cr Torre was an apology. Crs Farrell and Messina had left the meeting.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Torre was an apology. Crs Farrell and Messina had left the meeting.)

COUNCIL DECISION ITEM 14.4

That;

(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council:

(a) DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 343 of 2006, the applicant's offers of either cash-in-lieu for parking or the buying or rental of public parking bays, for Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building at No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley and as shown on revised plans stamp-dated 27 September 2005, because the application was not assessed as having a car parking shortfall; and

- (b) **REITERATES** that it **DOES NOT SUPPORT** as part of the State Administrative Tribunal Review Matter No. DR 343 of 2006, the Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building at No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley and as shown on revised plans stamp-dated 27 September 2005, for the following reasons:
- (1) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (2) *the non-compliance with the Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No.1;*
 - (3) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
 - (4) *consideration of the objections received; and*
- (ii) **INVITES** the eleven (11) residents who objected to the proposal to submit written submissions (witness statements) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".

At 10.00pm **Moved** Cr Ker, **Seconded** Cr Doran-Wu

That an "open" meeting be resumed.

CARRIED (6-0)

(Cr Torre was an apology. Crs Farrell and Messina had left the meeting.)

Note: *The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.*

PURPOSE OF REPORT:

- To advise the Council of the above review application.
- For the Council to re-consider the above proposed development submitted as part of the application for Review Matter No. DR 343 of 2006 to the State Administrative Tribunal (SAT). The matter is currently being mediated at SAT, with the Town at this stage of the review being represented by Mr Simon Bain.
- To comply with the requirements of the Town's Policy/Procedure for State Administrative Tribunal (SAT).
- To consider an Elected Member (s) and a local member/s of the community to submit a written submission (witness statement) on behalf of the Council.

Landowner:	Virium Pty Ltd
Applicant:	Marchmont Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
Existing Land Use:	Office Building
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	469 square metres
Access to Right of Way	East side, 3 metres wide, sealed, dedicated road. South side, 3 metres wide, sealed, dedicated road.

BACKGROUND:

- 18 June 1973 The Council of the City of Perth conditionally approved a change of use from Salvation Army church/hall to headquarters of Cracovia Soccer Club, specifically for the following uses;
- "(a) holding committee meetings;*
 - (b) display and storage of Club's trophies and movable property;*
 - (c) assembly of club juniors for purpose of voluntary youth work, such as screening of films, talks and similar activities;*
 - (d) conducting small socials for the players; and*
 - (e) holding various other meetings in relation to Club activities;*
- subject to the Club's activities being conducted in such a way that there is no cause for complaint from nearby residents."*
- 12 December 1977 The Council of the City of Perth resolved to refuse an application to the extension of the existing hall used by a sporting club, including a games/dining area, licensed bar and store, for the following reason:
- "1. The proposed extension to the hall be refused under Clause 30 of the Metropolitan Region Scheme on the grounds that the general disturbance caused by its use and lack of parking facilities would prejudice both the orderly and proper planning of the locality and the amenities of the locality."*
- Use of the caretaker's residence for administration purposes was approved, subject to it being conducted in such a way that it does not prejudice interests of nearby residents.
- 14 June 1999 The Council at its Ordinary Meeting conditionally approved two storey additions and alterations to the existing dwelling. It would appear that these additions were not undertaken.
- 16 October 2003 Proposed partial demolition of and alterations and additions, including mezzanine level to existing single house and free standing garage was conditionally approved under delegated authority.
- 14 September 2004 The Council at its Ordinary Meeting granted conditional approval for temporary change of use from single house to office (property developer, financial planning and architects) building (application for retrospective Planning Approval). Condition (i) (f) of the approval stated as follows:
- "this approval for a Change of Use is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use."*

- 14 February 2006 The Council at its Ordinary Meeting resolved as follows:
- "That the Item be DEFERRED to afford the applicant and owner the opportunity to address the areas of non-compliance and objection received and to ensure that advertising has been carried in accordance with the Town's Community Consultation Policy, and that the objector is aware that the proposed change of use is permanent and not temporary as advertised."*
- 12 September 2006 The Council resolved to refuse the application for proposed permanent change of use to office (property developer, financial planning and architects) building for the following reasons:
- "(a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) the non-compliance with the Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No.1;*
- (c) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
- (d) consideration of the objections received;"*
- 11 October 2006 Application lodged with the State Administrative Tribunal to review the Council's decision.
- 1 November 2006 Directions hearing at the State Administrative Tribunal (SAT).
- 15 November 2006 Directions hearing at the State Administrative Tribunal (SAT).

DETAILS:

The proposal involves permanent change of use to office (property developer, financial planning, and architects) at the subject property. The owners/applicants have sought the review by SAT of the Council's decision to refuse the subject application at its Ordinary Meeting held on 12 September 2006.

The SAT orders dated 16 November 2006 state as follows:

- "1. Pursuant to section 31 of the State Administrative Tribunal Act 2004 the respondent is invited to reconsider its decision under review in light of the applicant's offers of either cash-in-lieu for parking, or the buying or rental of public parking bays.*
- 2. The matter is provisionally set down for hearing on 30 and 31 January 2007.*
- 3. The matter is to be listed for a Directions hearing on 8 December 2006 at 10.00am."*

The Town's Officers requested the applicant to provide further details of the parking offer, the subject of Order 1 above. An email from Freehills (acting on behalf of the applicant) received by the Town on 28 November 2006 requests for the Town to re-consider its decision on the basis that the applicant agrees to rent public parking bays. There were no further details proposed.

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

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure for State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent), Mr. Simon Bain of SJB Town Planning and Urban Design, should the matter proceed to a "*Final Hearing*".

COMMENTS:

The applicant's offer to pay cash-in-lieu for parking, or the buying or rental of public parking bays has not, in the Town's Officers' view, addressed or satisfied the Council reasons for refusal at its Ordinary Meeting held on 12 September 2006, for the following reasons:

There is a 1.6 car bay surplus on-site in accordance with the Town's Policy relating to 'Parking and Access', therefore, it is considered that there is potentially enough on-site car parking to adequately serve the 'office' use. Any parking issues could be resolved by the applicant's making the on-site car parking available for staff and visitors. In light of the above, the rental of the car bays in the adjacent Barlee Street Car Park is considered to be ineffective use of the Town's resources as the car parking problem could be resolved on-site leaving the Barlee Street Car Park available to service the Mount Lawley District Centre; and

- Any cash-in-lieu of car parking paid could contribute to providing more car parking in the area; however, it is recommended that the other reasons for refusal are taken into account, such as the non-compliance with the 'Brigatti Locality Plan' and the threat to the economic viability of the Town's District Centres and Commercial areas.

On the above basis, the following is recommended:

- The Council receives the report;
- The Council does not support the proposal; and
- The Council nominates an Elected Member(s) and those who made objections to submit a Written Submission (witness statement) in the review process.

At 10.00pm Moved Cr Ker, Seconded Cr Doran-Wu

That an "open" meeting be resumed.

CARRIED (6-0)

(Cr Torre was an apology. Crs Farrell and Messina had left the meeting.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, JP, declared the meeting closed at 10.00pm with the following persons present:

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
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicker	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 5 December 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006