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(6 DECEMBER 2005)**

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15. CLOSURE

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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 6 December 2005, commencing at 6.15pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.15pm and apologized for the late start.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Mark Fletcher	Journalist – The Perth Voice (until 9.03pm)
Dan Hatch	Journalist – Guardian Express (until 10.18pm)

Approximately 64 Members of the Public

(c) Members on Leave of Absence:

Cr Ian Ker	South Ward
Cr Izzi Messina	South Ward

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

1. Garth Humphreys of 101 Flinders Street, Mt Hawthorn - Item 11.2 – Presented a petition on behalf of 130 Residents and Ratepayers of Mt Hawthorn requesting that Council supports the Recision Motion as per the Agenda. Advised are that all signatories on the petition live in the Mt Hawthorn area and express strong concern at Council's decision to recommend approval to the WAPC for the proposed change of use. Requests the Council to ask the Department of Health to consult properly with local residents and the community to address concerns that have been expressed. Further requested that Councillors who previously voted to support the change of use to carry out their responsibility as Councillors and take cognisance of the Town's Consultation Policy. Stated that he believes that Council's previous decision was not in keeping with the Consultation Policy for numerous reasons as outlined in the petition.

Stated that the concerns are not targeted at the consumers of the proposed facility but at the manner in which the Department have advanced the proposal and believes that the project is being driven by budgetary constraints and not good planning for the users of the proposed facility and the receiving community.

2. Pamela Whittaker of 83 Marlow Street, Wembley - Item 11.2 - Provided an update on the Hawthorn House proposal. Advised that the Department of Health (DOH) has taken several steps to ensure that the interests of the local community are balanced with the needs of people recovering from a mental illness. Stated they are committed to meeting the recommendations of the Council, particularly with regard to extended dialogue with the community, imposition of curfews, a three year limit on the operation of Hawthorn House, minimum staffing levels and exclusion of violent, criminal and drug and alcohol dependant residents. Stated that the DOH has also provided the Town with a detailed community information program including a commitment to commence all initiatives within three (3) weeks, distributed letters and fax sheets to approximately 240 residents and community stakeholders including an offer for a personal meeting with a Community Liaison Officer, door-knocked 36 local residents to offer one-to-one briefings, offered the Town a formal briefing on the project, offered the Co-ordinator of the Residents Advocacy Group a personal meeting and to meet with immediate neighbours to progress negotiations regarding privacy measures, prepared draft terms of reference for the Community Management Committee, requested advice from the Town for Council and community representatives to sit on the Management Committee, maintained the community enquiry line and commenced planning for a third public Forum with a planned date of 11 January 2006. Stated that the DOH has clearly committed itself to ongoing dialogue with the community that it is listening to the community with changes already made to the plans and further negotiations currently being undertaken with neighbours. Requested that the Council takes into account the considerable effort that has been made towards further community consultation.
3. Robert McQuarry of 106 Flinders Street, Mt Hawthorn - Item 11.2 - Stated that he and many other community members have been making phone calls to different people involved in the Hawthorn House proposal. Stated that they have researched the operation of "*intermediate care facilities*" world wide and have shared and gathered information with each other with the aim of equipping themselves with as much knowledge related to the proposal as possible. Believes that consultation process has been lacking in several areas. Advised that his home shares a fence with the facility and when purchasing in the area three (3) years ago, they researched the area and the operation of the respite centre and bought confidently. Stated that when learning of the proposal, they began researching again and after reading and speaking with relevant health care workers and visiting a similar facility to the proposal, believe they have enough information to form an educated and valuable opinion. Believes the proposed site is not suitable for such a facility and this has been backed up by a Health Department Official who has stated – "*temporary building that has been offered to us, as it was laying empty*". Stated that they would prefer a "*purpose-built building*". Believes that people are going to be housed in a facility that is not ideal for their needs. Advised that they have been open with their decision, having both Health Department workers and

Councillors to their home to clearly state and show why they are opposed to the proposal and that to be separated by only a fence is not appropriate for either the residents of the facility or the community. Noted that Cr Lake, in a separate discussion on 22 November 2005, clearly stated that she did not wish to have an institutional care facility in her area. Stressed that this is not a case of *'we don't want this in our backyard'*, but more that twenty (20) people will be residents in a facility that has been rejected by the planning authorities. Noted that Cr Messina has been recorded as saying that if the facility goes ahead and is not successful, he will not stand for re-election as a Councillor. Stated that he wished that would be his only concern, but he has a family and would need to consider the impact on his family if the facility was not working. Stressed that this opposition was not based on a fear of mental health issues.

4. Brian Smith of 113 Edinboro Street, Mt Hawthorn - Item 11.2 - Stated that in recent years he has worked as a community mental health professional and that he supports the change of use. Quoted a recent newspaper article written by Hugh Mackay regarding morality. Stated that his first point of support is the moral consideration, the second being that the location is ideal for assisting people with their recovery rather than another suburb that has more socio-economic problems, and thirdly that the concerns for children's safety in the area are unnecessary and gave Graylands Hospital as an example as it is located next to a primary school and there have been no instances of concern from hospital residents. Stated that he trusts the DOH to have good policies and procedures for Hawthorn House which will enable a beneficial duty of care for all the residents, staff and neighbours. Urged the Council to approve the change of use and encourage the neighbourhood to befriend Hawthorn House and support it as an oasis of recovery for residents worthy of their care and respect.
5. Jeff Pow of 77 Fairfield Street, Mt Hawthorn - Item 11.2 - Stated that he has lived in the Town for 11 years and as Co-ordinator of the Resident Advocacy Group, is fed up with receiving flack from both the public and certain public servants. Stated that the Group's core driver has never been about putting their rights before any other Group's, particularly one as disadvantaged as mental health consumers, but has always been about protecting the rights of all people through a proper and just process. Stated that he believes the Office of Mental Health was quite shocked by the reaction when trying to 'sneak' into their precinct. Stated that the newly established Office of Citizens and Civics was set-up by the Gallop Government for the purpose of "strengthening and renewing our trust in democracy and building people's confidence in public processes". Gave a definition of trust. Stated that they are fighting so hard as the legitimacy of any community outcome is only ever as good as the quality of the decision making process - bad process equals poor community justice. Stated that if there had been a well co-ordinated dialogue with the community (both speaking and listening), no matter what the outcome, a fair process has been served. Noted that the Councillors are the residents' advocates and asked that they lift their game as their performance is now being watched on this issue.
6. Carmelo Foti of Fairfield Street, Mt Hawthorn - Item 11.2 - Stated that he has lived in Mt Hawthorn for twenty (20) years and expressed his concerns at the process of the proposal. Asked why several Councillors ignored the fact that 78% of the Mt Hawthorn community opposed this

proposal? Believes that Councillors have a duty first and foremost to their community and should not let another person or organisation override their duty to act in the best interests of the residents they represent. Noted that DOH clearly promised that if the majority of Mt Hawthorn residents objected to the proposal, they would withdraw the submission completely and asked why this has not happened. Stated that the residents are now eager to see the DOH honour this pledge.

7. Anne Barker of 132 Coogee Street, Mt Hawthorn - Item 11.2 - Stated that she was dismayed to read that the Council had voted in favour of the proposed change of use for Hawthorn House. Believes that 78% of ratepayers who responded to the Council's survey were not in favour of the change and asked why ratepayer's money has been spent on a survey that appears to have been ignored. Agrees with the Mayor's Resicion Motion as her major concern is what Mt Hawthorn House will be used for once the three (3) year tenancy of the Mental Health Department (MHD) is complete. Believes that a review by the MHD indicated that the ideal for such a facility is a maximum of four (4) residents under the one roof, each with their own bedroom and that this is a far cry from the proposal. Noted that Dr Peter Owens stated that "*Mt Hawthorn Hospital is being considered as it is the only vacant Health Department building available ... Mt Hawthorn House is far from ideal in size or layout ... changes to the internal layout will render the building unsuitable to use as a nursing home or hospital in the future*". Believes that the proposal is a 'band-aid' solution and hopes that the residents of the home and those living close to the facility won't have to suffer or witness the effects when the band-aid drops off.
8. Neil Ducey of 135 Flinders Street, Mt Hawthorn - Item 11.2 - Stated that he and his family live within 200 metres of the Mt Hawthorn Hospital and they oppose the change of use proposed. Stated that he respects the rights of those who choose to say yes to the proposal and hopes that they will afford the same amount of respect to those who say no. Stated that contrary to inferences by certain Councillors and comments by the DOH and their supporters in the press, he and his family are not paranoid, given to scare-mongering, nor ignorant, and rejects the proposal simply on its merits, for and against, in the context of how it can affect them as a family. Stated that his main priority is the duty of care to his children and other community members and noted that it is well documented that the DOH cannot guarantee that the community will not be at risk if the proposal goes ahead. Noted that at the previous meeting, some Councillors chose to ignore the results of the Community Consultation and also ignored an interjection by the Mayor when he tried to remind them who they represent. Stated that Cr Maier moved a 'yes' motion to the proposal on the grounds that he alone was satisfied that there was no risk, and then went on to vilify a resident who was merely exercising his rights. Noted that Cr Torre gave a condescending speech aimed at those opposed and indicated that if the amended proposal was delayed, it may inconvenience the patients. Believes that Crs Maier and Torre should address the concerns of their electorate first. Stated that residents should not have to put up with the risks involved just because Crs Maier, Torre, Messina, Lake and Ker take it upon themselves to put their condescending, self-serving, indulgent views ahead of those they are supposed to represent.

9. Judy Webber of 71 The Boulevarde, Mt Hawthorn - Item 11.2 - Stated that it surprises her that words like 'referendum' come up with regard to the Council survey as she did not receive a copy and had to make numerous phone calls to the Council to get one, and when asking for extra copies was told it was about ideas, not numbers. Stated that she felt it was a 'rent-a-crowd' response to the proposal and if there is to be a referendum, it should be a proper one.

Mayor Catania stated the reason that she did not receive a copy was because she was not in the area being consulted as The Boulevarde is well south of Scarborough Beach Road.

10. Stuart Bald of 152 Flinders Street, Mt Hawthorn - Item 11.2 - Stated that he too felt there was a serious lack of consultation. Questioned the proximity of those in favour of the proposal to the site. Noted that there are many houses on the market in the immediate area surrounding the facility. Stated that as all speakers strive for the moral high ground, the fact remains that a loss of value in surrounding properties is a serious issue for residents. Stated that he feels there is a dramatic over representation of minority groups and it is not appropriate to sacrifice the well being and views of the majority to cater for the minority. Stated that it is encouraging that some of the Councillors have expressed their support of the view that no institutional zoning for a lodging house be allowed in the South Ward following the complaints of residents. Suggested that the Health Department put the money spent on PR to better use by securing an optimal facility and not settling for a sub-optimal facility.
11. Simon Van Coevorden of 19 Raglan Road, Mt Lawley - Item 10.1.17 - Stated that the residents of Raglan Road are not against the redevelopment but they require reassurance that the building will be constructed within the requirements of the Town Planning Scheme. Stated that there are numerous concerns relating to parking, setbacks, the density of the dwellings and the possible re-opening of the Hutt Street intersection.
12. Bruce Mervyn Gillam of 7 Faraday Street, Mt Hawthorn - Item 10.1.13 - Stated that he is strongly opposed to the proposal for three main reasons: planning issues, the nature of the proposed business and the owner/proprietor petition. Stated that the immediate area is populated with young families and they do not wish any future commercial operations at the proposed site to compromise the streetscape, living quality and value of their properties. Noted that a petition was signed by 29 residents on 26 September 2005 requesting that the Town changes authorised usage of the subject site and monitors any future activities at this property. Stated that the Town's Economic Development Strategy for Mt Hawthorn indicates that sites outside the main commercial precinct should be allowed to revert to residential to provide economic incentive to owners to redevelop underperforming or redundant/derelict/vacant commercial uses, and as there are at least six significant vacant or derelict commercial properties within a 100 metre radius of the proposed site, the proposal would only add to the over-supplied commercial property market in the immediate vicinity. Believes that the floor plan was very unusual for a hair dressing salon and is concerned about the name of the proposed business as he is suspicious of any beauty salon that is for men only.

13. Rajah Rahani of 16 Gibney Street, Cottesloe - Item 10.1.1 - Stated that the concerns raised have been addressed after meetings with Cr Ker and the Town's Planning Department. Quoted the conditions in the Officer's Recommendation that deal with each of the concerns. Stated that the owners have been working with the Town to try to resolve any issues the Council may have had. Stated that clause (xi)(a) is the only one that has not been dealt with and asked for the Council's assistance in this matter by amending the condition to allow the developers of Lot 251 the flexibility to maintain this skillion roof on the basis that it is within the twelve (12) metre limit.
14. John Hockley of 3 Leslie Street, Mt Lawley - Item 10.2.2 - Stated that he is the Chairman of the Banks Precinct Action Group and has come to speak on behalf of them. Stated that the proposal has wide community support and they commend the Officer's Recommendation to the Council. Stated that they look forward to the opening of the new bike path, joining the Town and the City of Bayswater in celebration of Tony Di Scerni and the work he did for the community.
15. Dan Caddy of Queenslea Drive, Claremont - Speaking generally on Consultation - Stated that his family home is at 1 Eucla Street in Mt Hawthorn and he has spoken many times on the importance of consultation within the Town in his capacity as Chairman of one of the Town's Precinct Groups. Stated that it concerns him greatly to hear that there's an overwhelming majority on a given issue yet there are elected members who are prepared to go the other way. Noted that a year ago when deciding on the types of trees to put on Fitzgerald Street, even though an overwhelming majority said yes, Cr Lake argued vehemently to go against what the public said. Believes it is very disconcerting as a ratepayer to know that even when surveys go out they are not listened to. Asked Cr Lake when was she going to start listening to the residents of the Town.
16. Ivan Vasev of 114 Castlecrag Drive, Kallaroo - Item 10.1.13 - Stated that it has been very difficult to find a legitimate consulting room business to occupy the property and that he has foregone some tenants to please his neighbours and alleviate their concerns. Stated that he has sought a change of use to Hair and Beauty Salon as it takes away the uncertainty of the Consulting Room use and believes it would positively impact on the amenity of the area. Noted that the Council report on the application states that "it is recognised that the proposal will not unduly impact on the physical amenity of the area", and given this statement, he does not understand why one of the report's reasons for not supporting the proposal is "the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality". Stated that he has spoken with the adjoining neighbours, and most are supportive of the proposed change of use. Believes that the proposed use and hours of operation will have a positive impact on the amenity of the area and asked that Council support the proposal.

Mayor Catania departed the Chamber at 7.02pm to carry out other civic duties and Deputy Mayor - Cr Farrell assumed the chair.

17. Nancy Tran of 545 Fitzgerald Street - Item - Stated that she had made an application for reconsideration of her proposed carport and requested that as her property's boundary is on a laneway, she would like to construct a parapet wall and have a solid garage door to increase security for her home. Urged Council to approve her application.
18. Scott Taylor of 3/16 Wright Street, Highgate - Item 10.1.6 & 10.1.7 - Stated that he and his sister purchased the store eight weeks ago and wanted to make the Council aware that the changes that have taken place there in that time have made the store a popular and funky place to purchase food and wine. Stated that they are hoping to expand the business to include an eating area and this will have a large impact on the success of the business. Urged Council to look on the proposal positively.
19. Neil Randall, owner of the Paddington Ale House at 141 Scarborough Beach Road, Mt Hawthorn - Item 10.1.2 - Stated that he has had the license for 11 years and held a community meeting at the pub on Sunday 20 November 2005 regarding the proposal, after 225 letters were distributed to residents within a 250 metre radius of the establishment. Noted that only 5 neighbours attended in total along with four Councillors, one of the Town's Environmental Health Officers, Police Representatives and a representative of the Mt Hawthorn Precinct Group. Advised that there had only been a small number of complaints received in the last few months. Stated that 681 customers have signed a petition in favour of the extended trading along with twelve (12) letters of support from residential and business neighbours. Outlined the security measures used at the establishment illustrating compliance with the license conditions. Requested that the trial period be reduced to twelve (12) months.
20. John Pintabona of 5 Lynmouth Road, Dianella - Item 10.1.2 - Stated that he wished to clarify some comments made by the previous speaker. Noted that seventeen (17) conditions had been placed on the license and this illustrates the fact that the operation of this establishment has an effect on the surrounding residents and businesses. Requested the Council to listen to the complaints made and issues raised, and support him by refusing the proposed extended trade due to the on-going effects it will have on neighbouring properties. Thanked the Councillors for their consideration.
21. Michael Menna of 256 Warwick Road, Duncraig - Item 10.1.2 - Spoke in favour of the proposal. Believes the effects of a loss of license would be felt by far more than just the owner of the business, but also staff, musicians, sound technicians and other related professions. Further believes that the extra hour will assist the effect on residents as patrons will leave in a more staggered manner between midnight and 1.00am.
22. Vince Multari of 10 Fairfield Street, Mt Hawthorn - Item 10.1.2 - Believes that the extended trading hours, so that patrons may leave at a more leisurely rate, will not help alleviate disturbances in the area. Stated that if patrons are consuming alcohol for an extra hour, they cannot be expected to depart in a less disruptive manner. Believes that the extra hour will only prolong antisocial behavior towards the locality and its residents and that the applicants should try to work together with residents to benefit the community. Stated that a petition signed by more than 70 residents that are not happy with the current situation, demonstrates the need for Council to refuse the application.

23. Ashleigh Wilson, Solicitor for the Paddington Ale House of 6 Norfolk Street, Fremantle - Item 10.1.2 – Advised that the Paddington Ale House has had extended trading permits (ETP) until 1.00am on Fridays and Saturdays since 1994 and the licensing authority has approved many such renewals for the Paddington on the basis that those extended trading hours are justified. Stated the licensing authority has acknowledged that this is a well managed and popular place on those two evenings and following a hearing of a number of complaints in August this year, the authority imposed a number of new conditions on the Paddington Ale House Liquor License which took effect on 8 September 2005. Advised that these conditions were specifically designed by the licensing authority, with the concerns of the Fairfield Street residents principally in mind, to minimise the occurrence of antisocial behaviour in the vicinity. Believes that there has been insufficient time for their impact to be assessed. Advised that the Liquor Licensing Authority has the power to withdraw an ETP at short notice if it considers that the license is being operated in a manner that is contrary to the public interest. Requested that the application be approved.

There being no further questions from the public, the Presiding Member, Deputy Mayor – Cr Farrell closed Public Question Time at 7.22pm.

(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

The Chief Executive Officer advised that the following petitions had been received:

- 5.1 Ms Paola Merenda of 241 Charles Street, North Perth with 6 signatories requesting assistance from the Council regarding residences in Charles Street, North Perth subsiding and cracks appearing as a result of the unstable ground on which the homes were originally built.

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

- 5.2 The Proprietor of the Paddington Ale House, 141 Scarborough Beach Road, Mt Hawthorn with 681 signatories supporting the existing permit which allows trade until 1.00am on Friday and Saturday nights, rather than reverting to the midnight closure clause.

The Chief Executive Officer advised that the petition would be considered during debate of this Item on tonight's Agenda.

Cr Torre departed the Chamber at 7.25pm.

- 5.3 Mr Ivan Vasev of 114 Castlecrag Drive, Kallaroo with 16 signatories supporting the Change of Use application for 121 Scarborough Beach Road, Mt Hawthorn from "Consulting Rooms" to "Office-Shop/Retail".

The Chief Executive Officer advised that the petition would be considered during debate of this Item on tonight's Agenda.

- 5.4 Mr Vince Multari of 10 Fairfield Street, Mt Hawthorn with 12 signatories objecting to the application to extend the trading hours of the Paddington Alehouse, Mt Hawthorn.

The Chief Executive Officer advised that the petition would be considered during debate of this Item on tonight's Agenda.

- 5.5 Mr Garth Humphreys of 101 Flinders Street, Mt Hawthorn with 130 signatories requesting Council to revoke its decision of 22 November 2005 regarding Hawthorn House and requesting further community consultation.

The Chief Executive Officer advised that the petition would be considered during debate of this Item on tonight's Agenda.

Moved Cr Maier, Seconded Cr Chester

That the petitions be received.

CARRIED (5-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote. Cr Torre absent from the Chamber and did not vote.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Lake, Seconded Cr Chester

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

CARRIED (5-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote. Cr Torre absent from the Chamber 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 DECEMBER 2005

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

Cr Torre returned to the Chamber at 7.27pm.

For DECEMBER 2005, the award is presented to David Beattie, Records Officer in the Town's Information Systems Section. David was nominated by the Manager Community Development, Jacinta Anthony, as follows;

"David has assisted community development officers in the past few weeks with setting up a registered mail-out system for personal alarms and transport vouchers. Community Development officers were initially spending a lot of time visiting clients and asking clients to come and pick up alarms and vouchers - as the recipients are people with disabilities and seniors, there were a number who were not able to come to Council. David assisted by setting up a system for the officers using registered envelopes with documentation to track the receipt of the items being sent. He even went the extra mile by setting up dummy documents so that we could follow instructions clearly. This has saved us a lot of time and become a very efficient way of processing these items.

David has also been extremely helpful to us in anything that we request. An example is the recent preparation of the Department of Sport and Recreation awards where we required colour printing of documents - David assisted us with the use of the laser colour printer and printing of the documents even though he has a large workload to attend to.

We, in community development have found that David will always assist us if we ask for help in searching for documents, setting up files or any other issue and feel that David deserves to be recognised for his excellent internal customer service manner and skills."

The Manager Information Systems, Michael Yoo, further endorsed David's nomination by adding that since David has started at the Town, his customer service has been excellent to say the least and the support he has received from David for the works in Records Management has been outstanding.

The Employee of the Month award is in recognition of David's exceptional service.

Well done David - Keep up the good work!!

Received with acclamation.

8. DECLARATION OF INTERESTS

8.1 The Chief Executive Officer – John Giorgi advised that he had declared a financial interest in Item 14.1 – Chief Executive Officer's Performance Review 2005. The nature of his interest being that it relates to his contract of employment.

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 11.2, 10.1.17, 10.1.13, 10.1.1, 10.2.2, 10.1.14, 10.1.6, 10.1.7 and 10.1.2

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:**

Item 10.1.3

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

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

Cr Farrell	Nil.
Cr Chester	Items 10.1.4, 10.1.11, 10.2.1, 10.3.2 and 10.4.3
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Item 10.1.16 and 10.3.3
Cr Maier	Items 10.1.12, 10.4.4 and 10.4.5
Mayor Catania	Nil

Presiding Member, Deputy Mayor – Cr Steed Farrell, requested the Chief Executive Officer to advise the Meeting of:

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

Item 14.1

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

Items 10.1.5, 10.1.8, 10.1.9, 10.1.10, 10.1.15, 10.2.3, 10.3.1, 10.3.4, 10.3.5, 10.3.6, 10.4.1, 10.4.2, 10.4.6, 10.4.7, 10.4.8 and 10.4.9

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

Item 14.1, 14.2 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 10.1.5, 10.1.8, 10.1.9, 10.1.10, 10.1.15, 10.2.3, 10.3.1, 10.3.4, 10.3.5, 10.3.6, 10.4.1, 10.4.2, 10.4.6, 10.4.7, 10.4.8 and 10.4.9

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

Items 11.2, 10.1.17, 10.1.13, 10.1.1, 10.2.2, 10.1.14, 10.1.6, 10.1.7 and 10.1.2

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

Moved Cr Chester, Seconded Cr Torre

That the following unopposed items be moved en bloc;

Items 10.1.5, 10.1.8, 10.1.9, 10.1.10, 10.1.15, 10.2.3, 10.3.1, 10.3.4, 10.3.5, 10.3.6, 10.4.1, 10.4.2, 10.4.6, 10.4.7, 10.4.8 and 10.4.9

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

Presiding Member, Deputy Mayor – Cr Steed Farrell advised that Mayor Catania has requested that Item 11.2 be carried over until he returned from his civic duties as he wished to participate and vote on the Item.

Moved Cr Chester, Seconded Cr Torre

That Item 11.2 be held over until the Mayor returned from his civic duties.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

10.1.5 No. 26 (Lot 321 D/P: 2334) Dunedin Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Single Storey Single House

Ward:	North	Date:	28 November 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3316; 5.2005.3198.1 5.2005.3197.1
Attachments:	001		
Reporting Officer(s):	S Klarich, T Woodhouse		
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 Summit Projects on behalf of the owner R L & S Fiore for proposed Demolition of Existing Single House and Construction of Single Storey Single House, at No. 26 (Lot 321 D/P: 2334) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 30 September 2005, subject to:

- (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) *subject to first obtaining the consent of the owners of No. 24 Dunedin 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. 24 Dunedin Street in a good and clean condition;*
- (iii) *any new street/front wall, fence and gate between the Dunedin Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iv) *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*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

Landowner:	R L & S Fiore
Applicant:	Summit Projects
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:	653 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: South - garage	1.5 metres	Nil	Supported - compliant to building on boundary provision of the Residential Design Codes.

- main wall	1.5 metres	1.02 metres to ensuite.	Supported - minor variation and considered to have no undue impact on the adjoining property.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

COMMENTS:

The subject property is located in the Eton Locality and the application is therefore submitted to the Council for its consideration and determination.

Heritage

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

The subject dwelling was constructed in 1925. The combination of building materials of brick to the front and timber to the rear was not uncommon for artisan properties during this period. This practice was viewed as a response to the building restrictions on timber dwellings at the time, the cost differential between the two types of material and the social and economic status attached to brick dwellings, explaining the brick been built to the front.

The floor plan is simple in design with a central hallway and four main rooms. The rear skillion and the enclosed verandah are obvious additions to the place, which otherwise remains largely intact.

The place is considered to have little cultural heritage significance, and does not meet the minimum threshold for entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

Summary

The proposal is considered to be in keeping with the established streetscape and the variation sought by the applicant is supportable and does not have an undue impact on the adjoining affected property.

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

10.1.8 Nos. 470-472 (Lots 8 and 9 D/P: 5365) William Street, Perth - Proposed Alterations and Additions to Existing Light Industry Premises and Change of Use to Unlisted Use (Art Gallery)

Ward:	South	Date:	28 November 2005
Precinct:	Hyde Park; P12	File Ref:	PRO2151; 5.2005.3135.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
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 Brian Klopper Architects on behalf of the owner H L Morgan for proposed Alterations and Additions to Existing Light Industry Premises and Change of Use to Unlisted Use (Art Gallery), at Nos. 470-472 (Lots 8 and 9 D/P: 5365) William Street, Perth, and as shown on plans stamp-dated 24 August 2005, subject to:

- (i) *a detailed landscaping plan, including a list of plants and the provision of one tree per 4 car parking spaces in the car parking area, 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);*
- (ii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) *subject to first obtaining the consent of the owners of No. 474 William Street, No. 155 Bulwer Street and No. 37 Wade 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. 474 William Street, No. 155 Bulwer Street and No. 37 Wade Street in a good and clean condition;*
- (iv) *prior to the issue of a Building Licence:*
 - (a) *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); or*

- (b) *the owner(s) shall enter into a legal agreement and lodge an appropriate assurance bond/bank guarantee, with or register a grant of easement on the subject land in favour of the Town and to its satisfaction, to provide rights of access to/from and use of a minimum 6 car parking bays on No. 470 (Lot 8) William street, Perth. The subject 6 car parking bays are to be provided at no costs for use by the employees, customers and visitors of the art gallery at No. 472 (Lot 9) William Street, Perth. The legal agreement shall be secured by a caveat while the grant of easement shall be registered 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 being borne by the applicant/owners(s);*
- (v) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) *doors and windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (vii) *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 \$6,300 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;*
- (viii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town; and*
- (ix) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking".*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

Landowner:	H L Morgan
Applicant:	Brian Klopper Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Light Industry
Use Class:	Unlisted Use (Art Gallery)
Use Classification:	"SA"
Lot Area:	511 square metres - Lot 8, 511 square metres - Lot 9
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on the 7 December 2004 resolve to conditionally approve proposed alterations and additions to existing light industry premises and change of use to unlisted use - art gallery, single bedroom dwelling and eating house.

DETAILS:

The proposal involves the demolition of part of the existing building located on Lot 8, with alterations and additions to the existing building to accommodate an art gallery on Lot 9. Parking for the proposed development is to be provided entirely on Lot 8.

The applicants have advised the Town that a new planning approval for the site is sort in lieu of the previous approval issued by the Council on 7 December 2004 due to the high costs that would be required to undertake the restaurant and artist accommodation.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No land requirements for the "Other Regional Road" reserve, which affect the proposal, as determined by the Department for Planning and Infrastructure. 		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Art Gallery (1 bay per 50 square metres of gross floor area) - 8 car bays. 			8 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) 			(0.68) 5.44 car bays

Minus the car parking provided on-site	20 car bays
Minus the most recently approved on-site car parking shortfall	N/A
Resultant Surplus	14.56 car bays

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

COMMENTS:

Consultation/Advertising

Assessment of the proposal has been undertaken as an unlisted use and considering that an Unlisted Use - art gallery, single bedroom dwelling and eating house was recently approved on the site, no new structures are to be erected and the proposal involves no further variation to the development requirements to the previous application, advertising for the art gallery was undertaken as an "AA" use and advertised for 14 days.

Amalgamation

With the proposed development being located over two (2) lots (Lots 8 and 9), it is a requirement of the Town that the lots be amalgamated in order to protect and contain the requirements of the development on the one site. However, the applicant has requested that an alternative solution be required in order to facilitate the future sale and development of the site, should the proposed use cease. This has been addressed in the Officer Recommendation.

Summary

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

10.1.9 Nos. 71-79 (Lot 132) Lincoln Street, (corner Smith Street) and No. 9 (Lot 7 D/P 3733) Smith Street, Perth, - Proposed Demolition of Two (2) Existing Institutional Buildings and Construction of Institutional Building (Women's Refuge) Comprising Six (6) Single Bedroom Units and Seven (7) Family Units and Associated Offices and Amenities Facilities

Ward:	South	Date:	28 November 2005
Precinct:	Forrest; P14	File Ref:	PRO1694; 5.2005.3094.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
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 Oldfield Knott Architects Pty Ltd on behalf of the owner Salvation Army (WA) Property Trust for proposed Demolition of Two (2) Existing Institutional Buildings and Construction of Institutional Building (Women's Refuge) Comprising Six (6) Single Bedroom Units and Seven (7) Family Units and Associated Offices and Amenities Facilities, at Nos. 71-79 (Lot 132) Lincoln Street (corner Smith Street) and No. 9 (Lot 7 D/P 3733) Smith Street, Perth, and as shown on plans stamp-dated 9 August 2005, subject to:

- (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) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (iv) a detailed management plan that addresses the management of occupiers and visitors and the control of noise, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained; and*
- (v) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Smith Street and Lincoln Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

Landowner:	Salvation Army (WA) Property Trust
Applicant:	Oldfield Knott Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Institutional Building
Use Class:	Institutional Building
Use Classification:	"SA"
Lot Area:	5486 square metres - Lot 132, 835 square metres - Lot 7
Access to Right of Way	West side, 3 metres wide, sealed, privately owned (Lot 7 only)

BACKGROUND:

- 21 October 1985 The City of Perth granted approval for the construction of eleven (11) grouped dwellings on Lot 132.
- 20 September 2000 The Town issued a Building Licence for a spa on Lot 132.
- 27 March 2001 The Council at its Ordinary Meeting resolved to conditionally approve a patio addition on Lot 132.

DETAILS:

The proposal involves the redevelopment of the Byanda and Nunyara Women's Refuges for the Salvation Army and Department of Housing and Works, by demolishing two (2) existing single storey and two-storey buildings and the construction of new single level accommodation, comprising six (6) single mothers units, one (1) mobility family unit, five (5) two bedroom family units, and one (1) three bedroom family unit, all with access to Smith Street.

The proposal also involves the construction of a new solid front wall, replacing the existing wall, for the purpose of providing security for the development.

The applicant has advised that the complex has long supported unfortunate people suffering hardship in the community, and as with the changes in society, the facilities of the refuge need to be upgraded to reflect this. The refuge is open and accessible 24 hours a day with seven full time staff and four part time staff who aid in accommodating approximately 250 women and 200 children in safety, each year.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	N/A
Plot Ratio	0.65 - 3,565 square metres	0.51 - 2,775 square metres	Noted
Building Height:	6 metres to top of pitched roof.	Up to 7.15 metres to top of pitched roof.	Supported - proposed roof height is considered to have no undue impact on the adjoining properties with the overall bulk and scale of the redevelopment being less than the existing two-storey building on site.
Consultation Submissions			
Support (5)	<ul style="list-style-type: none"> Strong support for the proposal 		Noted
Objection (3)	<ul style="list-style-type: none"> Wrong behavioral children in area Should not be located in the City 		Noted - the women's refuge has been operating for many years on the subject site with the proposed redevelopment providing more suitable facilities, aiding in the support of women and families.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number) for the resultant development <ul style="list-style-type: none"> Existing 13 family units retained on-site (1 bay per unit) - 13 bays Proposed 13 family units (1 bay per unit) - 13 bays 			26 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 			(0.85)
			22.1 car bays
Minus the car parking provided on-site			9 car bays
Minus the most recently approved on-site car parking shortfall			25 car bays
Resultant Surplus			11.9 car bays

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

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

COMMENTS:

The existing buildings on site comprise thirteen (13) self contained units, communal kitchen and dining facilities and a child care centre which is incidental to the existing uses on site, all of which are to remain and are not part of this redevelopment.

The existing single storey and two-storey multiple unit building, office and administration buildings are to be demolished to provide for the development of the single level single bedroom units, family units, communal dining and lounge facilities and administration.

Heritage

A preliminary investigation indicated that the subject place proposed to be demolished does not require a full Heritage Assessment. The subject place has little cultural heritage significance and does not meet the threshold for entry into the Town of Vincent Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing buildings, subject to standard conditions.

Street Fencing

For the purpose of security for the site, the provision of 1.8 metre high screen walls are proposed adjacent to the new buildings abutting Smith Street. The proposed walls are to contain staggered design features with recesses for tree planting and are to replace existing solid walls on site. The Town's Officers consider that the design features proposed for the street fencing is compliant to the provisions of the Town's Policies, and considering that Smith Street is the secondary street for the site, the construction of the 1.8 metre high screen walls are supported in this instance.

Car Parking

Considering the nature of the site, being for occupiers who enter the refuge on a temporary transitory basis, the use of cars by the residents and the need for car bays has not been required to date (refer to attached letter from the Salvation Army). Car parking for the site has been assessed on 1 bay per family unit (single bedroom and two-three bedroom) for both the existing and proposed buildings.

In this instance, the application of an adjustment factor for the site being within 400 metres of a bus stop was included in calculating the car parking requirement for the existing and proposed redevelopment of the site. As motor vehicles are not the primary source of access to the site for residents, the Town's Officers believe that public transport will be well used.

The proposed development provides a reduced amount of bedrooms to the existing multiple unit building in the need to provide more suitable family units. Considering this, and after applying the most recently approved on-site car parking shortfall adjustment factors, the proposed development has a resultant surplus of 11.9 car bays.

Summary

The proposed redevelopment of the site is considered to significantly improve the facilities provided to women and children in need and reduce the bulk and scale of the buildings on site. In light of this, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

Locality Statement

The subject property is located within the Bondi Locality Plan No. 3. Within the Locality Statement it describes a general housing character of Californian Bungalow style from the 1920's and 1930's with a mix of 1960's housing throughout the area.

The statement also states that the retention and/or restoration of existing houses which contribute to the overall character of the Locality will be encouraged. New contemporary developments are also encouraged provided that the design responds to the established character by way of roof pitch, building materials and wall and eaves height.

As detailed above, demolition of the existing house is recommended for approval, furthermore, the proposed dwelling is considered to reflect the established character by way of roof pitch, building materials and wall and eaves height.

Summary

The variations sought by the applicant (except that relating to front wall height which is addressed in the Officer Recommendation) are supportable, and do not have an undue impact on the adjoining property or surrounding streetscape.

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

10.1.10 No. 46 (Lots 27 and 28 D/P: 3845) Bondi Street (dual frontage to Green Street), Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Single House with Basement and Undercroft Carparking

Ward:	North	Date:	29 November 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2519; 5.2005.3186.1
Attachments:	001		
Reporting Officer(s):	S Klarich, T Woodhouse		
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 Studio Di Architettura on behalf of the owner G & N Capolingua for proposed Demolition of Existing Single House and Construction of Single House with Basement and Undercroft Carparking, at No. 46 (Lots 27 and 28) Bondi Street (dual frontage to Green Street), Mount Hawthorn and as shown on plans stamp-dated 28 September 2005, subject to:

- (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) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the solid retaining wall (with limestone cladding) on the south (front) and east elevations, within the front setback area, being reduced to a maximum height of 1.2 metres from the 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;*
- (iii) any new street/front wall, fence and gate between the Bondi Street boundary and Green Street boundary and the main building, including along the side boundaries within these front setback areas, 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, including any retaining wall, being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (f) *the solid portion adjacent to the Green Street boundary can increase to a maximum height of 1.8 metres, provided that the fence and/or 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;*
- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

Landowner:	G & N Capolingua
Applicant:	Studio Di Architettura
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	612 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting on 16 December 2003 resolved to refuse an application for the proposed demolition of existing single house and construction of a two-storey single house with undercroft garage, for the following reasons:

- “1. *Non-compliance with locality, and*
- 2. *Non-compliance with compliance table.*”

DETAILS:

The proposal involves the demolition of the existing single house and the construction of a new single storey house with undercroft garage, kitchen and store rooms. The proposed development is viewed from the Bondi Street elevation as a two-storey house, with the rear of the house being single storey.

The current application is of smaller scale and bulk to the previous application refused by Council on 16 December 2003. The previous application included a 9 metre high boundary wall with two-storeys plus undercroft as viewed from the front elevation.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
West - ground floor	1.5 metres	<ul style="list-style-type: none"> • 1 metre to ensuite • 1.5 – 2.5 metres to main building 	Supported – minor protrusion and setback variation to ensuite with no undue impact on the adjoining property.
East - ground floor	1.8 metres	1.2 – 1.5 metres	Supported – greater setback is required to the side boundary due to the steep gradient of the site with its lowest point at the front, providing a higher wall height. The proposed setback variation is considered to have no undue impact on the adjoining property.
Maximum Building Height: South (front of house)			

- main building	6 metres to top of external wall.	Up to 6.3 metres	Supported - with a 5.5 metre fall from the rear of the site to the front and a 1 metre fall at the front of the house from east to west, the height of the front elevation varies. The proposed variation in height is minor and considered to have no undue impact on the adjoining properties or the streetscape.
- portico	6 metres to top of external wall.	Up to 6.7 metres	Supported – “as above”.
Height of Street Wall/Fence	Solid wall up to 1.2 metres from the adjacent footpath level, including side walls within the front setback.	Solid wall on front boundary up to 3.3 metres high.	Not supported – wall is intended to provide a level grassed area at the same height as the entrance, side and rear finished ground levels. The wall is considered to be excessive with undue impact on the streetscape and adjoining properties. Conditioned to comply in Officer Recommendation.
Height of Retaining Wall	Retaining walls not to exceed 0.5 metre in height.	Retaining walls up to 1.8 metres on the eastern and western boundaries.	Supported - The natural ground level of the subject site has a significant upward gradient from the front of the site, to 5.5 metres higher at the rear, retaining of the site is necessary for the construction of the proposed home. No comments were received during the advertising period, therefore, the retaining shown on the attached site plan is supported except in the front setback area - refer to Officer Recommendation.

<p>Privacy East and West Elevations</p>	<p>Major openings to habitable rooms with floor level greater than 0.5 metre above natural ground level shall have 4.5 metres cone of vision setback.</p>	<ul style="list-style-type: none"> • 2.5 metres cone of vision setback from kitchen and utility to western boundary. • 1.2 metres cone of vision setback from study to eastern boundary. 	<p>Supported - retaining to both the east and west side of the house is proposed to retain the soil within the site to a level similar to the finished floor level of the house. With a 1.8 metre fence proposed above the retaining walls, no undue overlooking from the habitable rooms will occur.</p>
Consultation Submissions			
<p>Support (1)</p>	<p>No comments submitted</p>		<p>Noted</p>
<p>Objection (1)</p>	<ul style="list-style-type: none"> • 3.3 metres high front wall on boundary would compromise privacy. • The front balcony overlooks onto the private courtyard of the property on other side of Bondi Street (fronting Egina Street). • The maximum building height is out of character with the streetscape • The proposed setback on the east and west sides will encourage future similar inappropriate development in the area. 		<p>Supported - wall height conditioned to be reduced in Officer Recommendation.</p> <p>Not supported - cone of vision setback to the rear of this property is greater than 7.5 metres, as required in the Residential Design Codes.</p> <p>Not supported - with a 5.5 metre fall from the rear of the site to the front and a 1 metre fall at the front of the house from east to west, the height of the front elevation varies. The proposed variation in height is considered minor and have no undue impact on the adjoining properties or the streetscape.</p> <p>Not supported - greater setback is required to the side boundary due to the steep gradient of the site with its lowest point at the front, providing a higher wall height. The proposed side setback variations are considered minor and have no undue impact on the adjoining property.</p>

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

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

COMMENTS:

Heritage

A detailed heritage assessment is contained in the attachment.

The subject dwelling at No. 46 Bondi Street is a circa 1937 brick and tile dwelling and represents a part of the building stock built during the inter war period of 1919 and 1939. The dwelling is tiled and most features and fittings are intact. While original features such as windows and ceilings are of interest, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entrance into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwelling contributes to the streetscape in terms of traditional setbacks and building style.

The place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

Locality Statement

The subject property is located within the Bondi Locality Plan No. 3. Within the Locality Statement it describes a general housing character of Californian Bungalow style from the 1920's and 1930's with a mix of 1960's housing throughout the area.

The statement also states that the retention and/or restoration of existing houses which contribute to the overall character of the Locality will be encouraged. New contemporary developments are also encouraged provided that the design responds to the established character by way of roof pitch, building materials and wall and eaves height.

As detailed above, demolition of the existing house is recommended for approval, furthermore, the proposed dwelling is considered to reflect the established character by way of roof pitch, building materials and wall and eaves height.

Summary

The variations sought by the applicant (except that relating to front wall height which is addressed in the Officer Recommendation) are supportable, and do not have an undue impact on the adjoining property or surrounding streetscape.

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

10.1.15 Nyoongar Outreach Metropolitan Patrol Services- Extension of Services

Ward:	Both	Date:	28 November 2005
Precinct:	All	File Ref:	ENS0097
Attachments:	-		
Reporting Officer(s):	M Wood		
Checked/Endorsed by:	J MacLean, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the current service provided by the Nyoongar Outreach Metropolitan Patrol Service, within the Town of Vincent;
- (ii) **DOES NOT EXTEND** the current service provided by the Nyoongar Outreach Metropolitan Patrol Service, to include weekends;
- (iii) **APPROVES** the Town of Vincent supporting an Official Launch of the updated and specialised Nyoongar Outreach Metropolitan Patrol Service, at The First Australian Training and Function Centre on the 20 December 2005; and
- (iv) **APPROVES** the Town of Vincent funding contribution of \$700.00 from the Safer Vincent Initiatives budget to assist with catering and running costs of the launch.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

PURPOSE OF REPORT:

The purpose of the report is to inform Elected Members about recent improvements to the current arrangements, with regard to the provision of service and operating hours of the Nyoongar Outreach Metropolitan Patrol Service and an impending Launch of the new revamped service, which is to be supported by the Town.

BACKGROUND:

The Council, at its Ordinary Meeting held on 27 September 2005, resolved as follows:

“That the Council;

- (iv) **AUTHORISES** the Chief Executive Officer to:
 - (a) *negotiate with the Department of Indigenous Affairs and the Nyoongar Outreach Metropolitan Patrol Service, to extend the days of operation of the patrols to seven (7) days per week;*

- (b) *if (a) above is approved, make the necessary arrangements for the extended service to commence as soon as possible; and*
- (c) *identify a funding source to enable the additional service cost to be met from the existing 2005/2006 Budget”.*

The Nyoongar Patrol currently operates from Monday to Friday, between the hours of 1pm and 8.30pm. The Council approved an increase in the annual funding for the service, from \$36,000 to \$45,000 in the 2005/2006 Budget. In reality, the Town's funding is equivalent to the annual salary of one (1) full-time worker. The approved increase will be met from the current Safer Vincent Initiatives Budget.

The Nyoongar Patrol Service has identified that, in the past, it had some difficulty in maintaining consistency, due to a high turnover of staff and the part-time hours being offered through the *"Work for the Dole Program"*. With the current Town of Vincent funding, along with further substantial funding from Department of Indigenous Affairs, the service is now employing 2 full-time staff and is providing full training and support, to ensure that consistency is maintained. The Department of Indigenous Affairs meets the majority of the costs, of the support service, its administration and infrastructure.

DETAILS:

In accordance with the Council's resolution of 27 September 2005, the Town's Officers met with representatives of the Department of Indigenous Affairs and the Nyoongar Outreach Metropolitan Patrol Service. At this meeting, the Nyoongar Patrol identified that the main occupancy of the parks, by Aboriginal people, occurred primarily during the week and that it had received very few complaints about weekend issues. According to the service, the weekends at the parks are usually quiet as there are generally more activities in the parks and reserves on the weekend and traditionally, indigenous events, such as funerals and family 'get togethers' are held on Fridays, Saturdays and Sundays.

The Nyoongar Patrol liaises closely with the Juvenile Aid Group (JAG) and Aboriginal Police Liaison Officers (APLO's), along with residents who live close to the park and businesses. In recent months, as a result of the increasing number of complaints, the State Government has formed a *"Park People Reference Group"*, chaired by the Department of Community Development and they are charged with developing and implementing strategies to reduce the incidence of anti-social behaviour, by indigenous groups. The Nyoongar Patrol Service is an active participant of this Working Group and the current service level strategies are closely aligned with those of the *"Park People Working Group"*.

The Nyoongar Patrol suggest that, given the current very low level of recorded complaints, at this time, there is no need to extend the patrol to operate on weekends. However, it will continue to monitor the situation and, if a need for weekend patrols can be established, it will make the appropriate recommendation to the Town, through existing networks. The Manager of the Nyoongar Patrol regularly drives through the Town to identify potential problems and monitors the Town's parks and public reserves on weekends. As a result, the Nyoongar Patrol is in a good position to identify issues on weekends if and when they occur.

The Nyoongar Patrol Service and the Department of Indigenous Affairs (DIA) also advised that, if the Town wishes to extend the current service to include weekends, there will be a substantial increase in costs. Since the current indicators do not support the need for weekend patrols, the DIA would not consider providing additional funds for this. Under the present award, weekend work attracts a loading factor and this dramatically increases the cost of the service. In the discussion with the Nyoongar Patrol Service, it was agreed that, if a need is identified for additional patrols at weekends, it will, initially, adjust the existing service to accommodate this need and, if the adjustment is to be a long-term change, the matter may need to be reviewed.

The Nyoongar Patrol also outlined its latest measures that 'value add' to the current funding that the Town has provided. Because the Nyoongar Patrol now employs two (2) full-time trained staff, along with on-going training opportunities, it anticipates a much better service to the Town and to the Indigenous people that it deals with. The service now also provides more detailed statistics of its operation and these are provided to the Town monthly. The information now provided, includes dates and times of visits, location visited, number of Indigenous and Non-indigenous people in the park, their situation, with respect to homelessness and the number of people found to be intoxicated. The statistics also record the outcomes of the Patrol's intervention and interaction.

The Nyoongar Patrol, in conjunction with Department of Indigenous Affairs, have offered to provide Cultural Awareness Training to the Town of Vincent Rangers, Safer Vincent Co-ordinator and interested employees, to provide strategies and to facilitate positive interaction between the Town's employees and the Indigenous population.

Official Launch of new, revamped Nyoongar Patrol Service

Since the withdrawal of the City of Perth funding, the Town of Vincent are now considered "major" stakeholders in the current Nyoongar Patrol Service. As a result, the Department of Indigenous Affairs have asked if the Town of Vincent would assist in hosting an "Official Launch" of the new Nyoongar Outreach Metropolitan Patrol Service.

An official launch date is being planned for 20 December 2005 at 12.00 -1.00pm with the Department of Indigenous Affairs Minister John Kobelke, the Town of Vincent Mayor and Chief Executive Officer, confirmed to attend. The Launch is to be held at The First Australian Training and Function Centre, at 201 Beaufort Street, Perth. Approximate launch costs include \$1500.00 for catering of lunch and a further \$1000.00 for promotion of the event, which the Department of Indigenous Affairs is providing. A \$700.00 contribution from the Safer Vincent Budget is sought to assist in catering and running costs. The location of the launch at The First Australian Training and Function Centre has significance to the Nyoongar Patrol, as it was the original operating premise of the Patrol. Official Invites will be sent out to all Elected Members and associated people of the service.

CONSULTATION/ADVERTISING:

The Town continues to consult and to work closely with the Nyoongar Outreach Metropolitan Patrol Service and the Department of Indigenous Affairs.

A launch invitation and promotion of the launch is being planned through Department of Indigenous Affairs, Nyoongar Patrol, Police and Town of Vincent networks.

LEGAL/POLICY:

There are no legal implications associated with this report.

STRATEGIC IMPLICATIONS:

STRATEGIC PLAN 2005-2010:

The above recommendation is consistent with Key Result Area 2.2 *"Provide and develop a range of community programs and community safety initiatives."*

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

The above is also consistent with Key Result Area 4.2 *"Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town"*.

FINANCIAL/BUDGET IMPLICATIONS:

\$700.00 for launch of new, revamped Nyoongar Patrol Service is being sought from the Safer Vincent Initiatives Budget.

COMMENTS:

The Nyoongar Patrol Service does not believe that there is a need to extend the current service to incorporate weekend patrols. However, if the Town wishes to do so, the Manager has estimated that a further cost of approximately \$45,000 would be applied. Since there appears to be no justification for it, there would be no DIA funding available to enable an extension of the service, for weekend operation and the Town of Vincent would need to meet the whole of this cost.

The Nyoongar Patrol has indicated its willingness to monitor the situation and, should it prove necessary for weekend patrols, its flexibility in re-allocating resources accordingly, from existing week-day hours to weekend work.

The service has also indicated its willingness to 'value add' to its existing service by assisting in cultural training of the Town's Employees with the Department of Indigenous Affairs, along with continuing to restructure its service to provide ongoing training to its employees and improved reporting mechanisms that will assist in tailoring a professional and better service to its clientele, the Town, and its residents.

The proposed launch of the new, professionalised service by the Nyoongar Patrol, supported by the Town of Vincent would provide some recognition for the Town. It would be a proactive step, by the Town, to applaud and encourage improvements to the current service. It would further highlight the significant role the Town plays in supporting local services such as the Nyoongar Patrol to deal with local needs.

The above report is recommended for approval.

10.2.3 Proposed One-way Street - Little Parry Street, Between Lindsay and Beaufort Streets, Perth

Ward:	South	Date:	29 November 2005
Precinct:	Beaufort (P13)	File Ref:	PRO0568
Attachments:	001:		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the proposal to make Little Parry Street a one-way street between Beaufort and Lindsay Streets, Perth;
- (ii) **APPROVES** the implementation of a one-way street dependent upon the creation of a 2.0m wide on-road shared path along the northern boundary of Little Parry Street to allow contra flow bicycle movement;; and
- (iii) **SEEKS** agreement with the City of Perth and the East Perth Redevelopment Authority prior to making a formal submission to Main Roads WA.

COUNCIL DECISION ITEM 10.2.3

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to make the newly dedicated Little Parry Street (Beaufort Street to Lindsay Street) a one-way road as a joint Town of Vincent / City of Perth traffic management / road safety initiative.

BACKGROUND:

At its Ordinary Meeting of 27 September 2005, Council approved the dedication of Little Parry Street, Perth, between Lindsay and Beaufort Streets.

The Town had previously received a request from the East Perth Redevelopment Authority (EPRA) seeking Council's approval for the dedication as a public road (Little Parry Street) of the Town of Vincent and the City of Perth jointly owned freehold lot 28 on Plan 1054.

Further, the City of Perth has since advised that at its Ordinary Meeting of 4 October 2005 the (Perth City) Council also resolved to support the dedication of Little Parry Street.

However, the resultant dedicated road is only 5.0m wide and, given its location, network connectivity and potential usage is considered of insufficient width to accommodate two-way traffic.

DETAILS:

As part of EPRA's Northbridge Project, a number of new roads are to be created, one being *Elovalis Lane*, for which Council endorsed the name in 2003. *Elovalis Lane* will be a cul-de-sac coming off Little Parry Street, midway between Lindsay and Beaufort Streets, and will be the primary access to EPRA's new Administration Office at 12 Lindsay Street, rear carpark.

The aforementioned section of Little Parry Street is currently used as an unrestricted two-way public thoroughfare. However, it is anticipated that as a result of EPRA's initiated developments in the immediate area, the volume of traffic using Little Parry Street will increase significantly. Further, Little Parry Street is only 5.0m wide and while there is adequate room for two cars to pass safely, it is not sufficient for larger construction and delivery vehicles to do so.

As a consequence, the City of Perth approached the Town seeking Council's support to make Little Parry Street a one-way road.

A site assessment undertaken in conjunction with the City suggests the logical direction of flow would be from east to west, i.e. from Beaufort Street to Lindsay Street.

Beaufort Street is a District Distributor A road and operates as a two (2) lane one-way street, from south to north, carrying in excess of 12,000 vpd (2001), while Lindsay Street is a two-way access road. Therefore, from a road safety perspective, it would be safer for traffic to enter Little Parry Street from Beaufort Street than to exit. Further, it allows more options in respect of trip destinations. In addition, there are no visual sight lines on the north side of Little Parry Street at Beaufort Street, given the footprint of the existing building.

Lindsay Street provides full access to the surrounding road network whereas if an exit was via Beaufort Street, the options are restricted to either a left turn north bound or having to cross Beaufort Street for connection to the Graham Farmer Freeway or the central business district.

Local Bicycle Network and Greenway / Heritage Trail

However, if the one-way street is approved there will be an impact upon the Town's proposed Wetlands Heritage Trail and Local Bicycle Network route.

While pedestrians would traverse the street in either direction, cyclists legally could not, potentially resulting in an inconvenient and undesirable splitting of the bicycle route.

This issue can, however, be resolved by delineating a portion of Little Parry Street as an on-road shared path, allowing for contra flow bicycle movements. In a practical sense, a 2.0m contrasting red asphalt strip could be laid along the northern side of the street, specifically designated cycle and pedestrian traffic, with appropriate signage and line-markings. The remaining portion of the street allows for a 3.2m traffic lane.

Further, to ensure that Little Parry Street remains a low speed environment, traffic calming devices could be installed in the traffic lane only. If in the future a greater separation of vehicle traffic is required, a kerb could be installed the length of the shared path.

However, given EPRA's interest in developments within the immediate area, it would be prudent to consult with EPRA, in conjunction with the City of Perth, prior to finalising the proposal.

CONSULTATION/ADVERTISING:

Currently, other than the proposed *Elovalis Lane*, there is nil property access off this portion of Little Parry Street and therefore the proposed one-way street does not (currently) affect the adjoining property owners. However, it would be recommended that EPRA and the City of Perth be consulted prior to finalising the one-way street/shared path proposal and that, if all parties are in agreement, advertising (the proposal) in the local newspaper(s) would be sufficient.

LEGAL/POLICY:

If endorsed by Council, a joint Town of Vincent/City of Perth/EPRA submission would be forwarded to Main Roads WA for approval.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications at this time. However, if the one-way street proposal is approved by Main Roads WA, then the Town could be expected to fund the additional re-surfacing works to delineate the shared path. An appropriate allocation would need to be included in the 2006/07 'draft' Local Bicycle Network Improvements budget with the possibility of some of the costs being off-set by Perth Bicycle Network grant funding.

COMMENTS:

The proposal to make Little Parry Street, between Beaufort and Lindsay Streets, a one-way street running east to west, has merit and it is therefore recommended that it be supported. However, it is acknowledged that a one-way restriction (either direction) will have an impact upon the Town's Wetlands Heritage Trail and Local Bicycle Network.

This hurdle can be overcome by creating a dedicated shared path along the northern boundary of Little Parry Street, allowing contra flow bicycle movements. However, given that Little Parry Street is a boundary road and falls within EPRA's Northbridge Redevelopment precinct, it would also require the agreement of EPRA and the City of Perth.

10.3.1 Financial Statements as at 31 October 2005

Ward:	Both	Date:	16 November 2005
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVE the Financial Reports for the month ended 31 October 2005 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 October 2005.

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 2005.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 103.39 % of the year to date Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 100.44% of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 100.42% of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 118.91 % of the budget received to date; this is can be attributed to the receipt of higher than expected revenue from vehicle contributions and electoral roll sales.

Law Order & Public Safety (Page 3)

Revenue is showing an unfavourable variance of 54.86 % due to the timing on the receipt of budget grants not yet received.

Health (Page 4)

Health is showing a favourable variance of 109.77 %, this is due to 300 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining as well as an increase in the fees charged. As a result there has been an increase over budgeted revenue.

Education & Welfare (Page 5)

Education & Welfare is currently showing an unfavourable variance of 78.50 % attributable to Leederville Gardens Operating Surplus and budgeted grant funds not yet received.

Community Amenities (Page 6)

Community Amenities is 124.76 % of the year to date budget. This is as a result of Refuse Charges for non-rated properties being higher than budgeted and 255 planning applications have been processed year to date, this has resulted in an increase in the budgeted revenue at this time.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture shows a variance of 108.27 % of their revenue budget. Beatty Park Leisure Centre Budget Phasing has been adjusted to better reflect expected timings of relevant revenues and expenditures.

Transport (Page 10)

Car parking revenue is a favourable 156.06% of the year to date revenue budget. The income from modified penalties is significantly higher than budget due to increase fees and vigilant enforcement action.

Economic Services (Page 12)

Economic Services is 141.82 % over budget this is in the main due to 149 building licences being issued to the end of October, this has resulted in a higher than estimated revenue being received.

Other Property & Services (Page 13)

At 102.59% against budget, Other Property & Services is operating in line with Budget Projections.

Operating Expenditure

Operating expenditure for the month of October close to Budget at 103.34%.

Health

The expenditure is currently over budget due to employment of a temporary Health Officer covering for increased workload and leave cover. In addition there has been an increase in after hour attendances which attracts overtime.

Other Property Services

This program is currently over budget as the plant recovery rate, in particular, is lower than projected. This should improve as the majority of the larger items on the Capital Works Program are undertaken in the forthcoming period.

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2005/06 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for October amount of \$1,811,900 which is 4 % of the budget of \$40,388,796.

	Budget	Actual to Date	%
Furniture & Equipment	166,300	38,275	23%
Plant & Equipment	1,252,040	632,690	51%
Land & Building	32,651,460	178,399	1%
Infrastructure	6,318,996	962,535	15%
Total	40,388,796	1,811,900	4.5%

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

The statement shows the current assets of \$21,063,857 less current liabilities of \$3,628,908 for a current position of \$17,434,949. The total non current assets amount to \$115,314,483 less non current liabilities of \$11,020,468 with the total net assets of \$121,728,964.

Restricted Cash Reserves (Page 28)

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

Debtors and Rates Financial Summary

General Debtors (Page 29)

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

Sundry Debtors of \$535,785 are outstanding at the end of October. Of the total debt \$68,329 (12.75%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 30)

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

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

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

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

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

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

Rates outstanding are \$4,339,188 which represents 30.03 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 31 October 2005 the operating deficit for the Centre was \$212,726 in comparison to the budgeted year to date deficit of \$309,546 and annual deficit of \$581,324.

The cash position showed a current cash deficit of \$54,849 in comparison to the year to date budget of cash deficit of \$185,909 and an annual budget estimate of a cash deficit of \$126,359. The cash position is calculated by adding back depreciation to the operating position.

The budget phasing has now been adjusted to reflect the estimated timing of revenues and expenditure.

The Swim School is currently performing ahead of budget expectations. This can be attributed to the receipt of monies for Term 4 in this month and increased attendances at the school.

The café is currently performing in an under budget due to the timing of stock purchases which has put the expenditure over budget.

The better than budget performance in the Health and Fitness can be attributed to higher than anticipated allocation of indirect revenue as a result of higher than estimated membership revenue.

Similarly with aquarobics the result can be explained by the increased allocation of indirect revenue and also increased attendances have accounted for an increase in revenue estimates

10.3.4 Art Acquisitions 2005

Ward:	Both	Date:	29 November 2005
Precinct:	All	File Ref:	CVC0016
Attachments:	-		
Reporting Officer(s):	R Gunning		
Checked/Endorsed by:	J Anthony / M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the 2005 Art Award; and*
- (ii) *APPROVES the purchase of artworks as detailed in this report.*

COUNCIL DECISION ITEM 10.3.4

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

PURPOSE OF REPORT:

The purpose of the report is to report on the 2005 Art Award and seek approval for the purchase of artworks.

BACKGROUND:

The Town of Vincent Art Award is an annual art exhibition held at the Town's Administration and Civic Centre, it is an exhibition that is open to all artists and as such serves an important role in exhibiting emerging artists as well as more established practitioners. Since its inception the Award has steadily grown in reputation to be seen as one of the major art awards on Perth's arts calendar.

DETAILS:

A total of 295 entries were received, of which 31 artworks were not delivered or rejected for not complying with the entry conditions regarding dimensions or hanging devices. A further forty were rejected in the curator's preselection process. A total of 224 works consisting of paintings, prints, photographs, mixed media and sculptures were displayed.

A total of 850 people viewed the exhibition over the ten day period.

CONSULTATION/ADVERTISING:

Advertising consisted of two phases. First, in order to attract entries, a brochure was published and distributed to community centres, libraries, arts centres throughout the state. Display advertisements were placed in the trade magazine The Artist's Chronicle and two local newspapers, Voice News (now called The Perth Voice) and Guardian Express. Line ads, which have proven most effective, were placed in the Arts Directory of The West Australian. The brochure, which included the entry form was also available from the Town's website and was distributed in electronic form through Art Source (formerly the Artists Foundation of WA) mailing list.

The second phase consisted of advertising the exhibition to attract viewers and buyers. Display ads were placed in Voice News and Guardian Express and line ads in the West Australian's arts Directory. A banner was placed on Keith Frame Reserve at the corner of Loftus and Vincent streets. Advertisements were also booked on RTR FM. calling for entries and advertising the exhibition.

Following the Awards feedback survey was sent out to the exhibiting artists, twenty eight replied. To the question of how you would rate the organisation of the event, ranging from 1 to 5, five being well organised and one being disorganised, the following results were recorded;

60% 5 (Well organised)

25% 4

15% 3 (Average)

0% 2

0% 1 (Disorganised)

To the question what artists liked best about the Awards the response was diverse however the most frequent response were as follows, the prize money, the standard of work exhibited, the venue, and the standard of organisation.

In reply to what the artists disliked about the Awards, once again the answers were diverse with the most frequent dislike being too many works were exhibited or that the venue is too small. Beyond this issue no two responses were the same.

To the question of how the event can be improved, the only response with more than one comparable reply was the suggestion of more publicity for the exhibition in the form of posters and banners.

The Curator's report

The Curator, Michelle Siciliano, commended the Town on the organisation of the event as well as the diligence and professionalism of the Art Advisory Group and made several suggestions for the improvement of the event for future years. These issues are as follows below;

Exhibiting requirements

Information regarding exhibiting requirements could be more specific and simplified, making for smoother processing of the work on the delivery day. A standard hanging device (D latches) as well as standard hanging cord should be used, it is recommended that further information could be posted on the Town's website which could also show photographs of what is required, thus further eliminating any ambiguity.

Delivery and collection of works

To assist further with artwork delivery and collection large A1 posters could be displayed on those days, displaying text written in dot points outlining all the necessary requirements of the artists (as set out in the brochure). This would relieve the staff for constant reiteration and arbitration of the conditions.

The Viewer's experience

The Curator noted that some people, especially seniors found the paper catalogue difficult to manage and difficult to ascertain the artist especially as the works are not located in numerical order. It was suggested an option may be to print all the information on labels under each artwork.

Artwork Sales

As a way of encouraging the Town of Vincent staff to buy work a lay-by scheme could be proposed with payments deducted fortnightly from wages.

Parking

Sunday parking for patrons of this exhibition was difficult due to a number of events taking place in Leederville; the entire car park was full including the parking at the front of the Administration building. Signage allocating specific areas for Art Award patrons with specific short-term parking, wishing to view the exhibition could be produced.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Key Result Area 2.1, Celebrate and acknowledge the Town's cultural diversity, of the Town's of the Towns Strategic Plan 2005-2010 is applicable to this project.

FINANCIAL/BUDGET IMPLICATIONS:

Eighteen works were also sold to private buyers.

The private sales totalled to \$6,775.00 with the Town receiving \$1,693.75 in commissions.

Sponsorship by the Voice News of the Vincent Voice Recognition Award involves the newspaper publishing several display ads to the value of \$500 or greater in return for the Town providing the cash prize of \$500. The Vincent Ceramic Award consists of \$200 donated by an anonymous local artist and \$300 provided by the Town.

COMMENTS:

As stated in the above report there were 295 entries for the Art Awards this year, a decrease from the record 399 entries the previous year. The number of entries this year was considered a much more manageable size, making for a successful and smoothly run exhibition. Efforts should be made to keep the number of entries at this level, perhaps by monitoring the scale of the advertising of the awards, while targeting quality participants.

It should also be noted that the sales of artwork have remained relatively constant in the last several years and more emphasise should be put on increasing sales. The feed back from the artists has pointed to a desire for more publicity for the actual exhibition as opposed to advertising for artists to participate. It is anticipated that if this course of action was taken it would result in increased patrons and sales.

Recommendations by in the curator's report will be closely examined and presented to the Art Advisory Group for further consideration.

10.3.5 Cultural Development Seeding Grant Application - Mount Hawthorn Community Church

Ward:	Both	Date:	22 November 2005
Precinct:	All	File Ref:	CMS 0008
Attachments:	-		
Reporting Officer(s):	R Clowes		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES the application of Mount Hawthorn Community Church for \$500 under the Cultural Development Seeding Grants Programme.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he 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/DETAILS:

The Mount Hawthorn Community Church on behalf of Mount Hawthorn Community Church, Mount Hawthorn Joint Anglican/Uniting Parishes and St Mary's Catholic Church are running a combined Carols by Candlelight in Braithwaite Park, on Sunday 11 December 2005.

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.

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grant 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.

Action Plans to implement this strategy include:

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

FINANCIAL/BUDGET IMPLICATIONS:

Of the \$5,000 budgeted for this item, \$1,500 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 Mount Hawthorn Community Church will complete an acquittal report after the event, detailing how the Cultural Development Seeding Grant was expended.

10.3.6 Community Survey - Dogs Needs

Ward:	Both	Date:	20 October 2005
Precinct:	All	File Ref:	CMS0105
Attachments:	-		
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the recommendations and action plan from the results of the community survey on Dog Needs as listed:*
 - (a) *Carry out an audit of water facilities at designated dog exercise areas;*
 - (b) *Install timer lights after hours to be trialled at two (2) reserves (to be selected in consultation with the community);*
 - (c) *Birdwood Square to be listed as a dog exercise area;*
 - (d) *Further investigate implementation of a dog playground;*
 - (e) *Investigate and trial a total off-leash reserve;*
 - (f) *Increase park seating as part of the Parks furniture upgrade programme;*
 - (g) *Upgrade signage for off-lead areas;*
 - (h) *Investigate and introduce a subsidy to dog owners for an accredited dog training programme;*
 - (i) *Conduct workshops and Information sessions targeting dog owners;*
 - (j) *Develop, promote and launch dog walking clubs;*
 - (k) *Incorporate dog exercise areas and upgrade into strategic plan to preserve current areas;*
 - (l) *Issues pertaining to dog owners in the Town of Vincent to be listed as a priority issue in the Parks and Reserves Study and earmarked for further research and investigation; and*
- (ii) *LISTS for further consideration in the Draft Budget for 2006/2007, the amount of \$6,000, for the items listed in the action plan.*

COUNCIL DECISION ITEM 10.3.6

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

PURPOSE OF REPORT:

To present an action plan based on the results of the community survey conducted to determine the needs and expectations of dog owners in the Town.

BACKGROUND:

At the Ordinary Meeting of Council on 13 September 2005, the following was recommended:

"That the Council;

- (i) RECEIVES the report outlining the findings from the community survey on Dog Needs; and*
- (ii) NOTES that a further report outlining an action plan with recommendations developed in association with the survey findings will be submitted to Council by the end of November 2005."*

DETAILS:

The Survey on Dog Needs was distributed to the community to gain feedback on the various aspects of having dogs in our community. A total of 253 surveys were returned by the due date.

In determining the type of exercise that dog owners engaged in with their dogs, all respondents stated that they exercise their dog at the park with 31% using other facilities such as beaches, around lakes and forests. 43% stated they walked their dog around the neighbourhood and while taking kids to school.

90% of respondents exercised their dog/s at least once a day with half of this group walking their dogs at least two to three times a day. 10% of respondents answered from at least once a week to six times a week. The ones who walked less during the week gave reasons such as work and owning senior dogs that were not able to walk as much.

An internal working group has been formed to consider the findings with intention of making recommendations to Council. The members of the group consisted of;

- Manager, Community Development;
- Manager Parks Services;
- Recreation Officer;
- Coordinator, Ranger Services; and
- Planning Officer (Strategic).

The following are recommended as a result of the findings of the community study.

Water Facilities

It is recommended that an audit of water facilities available for dogs and owners be carried out at designated dog exercise areas. The optimum numbers required would then be identified and quotes would be obtained to list for budget approval.

Lights

Preliminary investigation has revealed that a number of lights on sporting reserves were installed and currently being operated by the clubs who bear the cost of operating and maintaining them.

The installation of timers could be investigated along with negotiations with the clubs who own the lights. An arrangement which reimburses the clubs for the operating costs of the lights for the duration that they are kept on whilst in use by the public could be considered. Such a consideration would take account of the need to provide facilities to the community for passive recreation which are accessible before and after daylight hours.

Preliminary quotes for the installation of time clocks for the poles is \$450 with an estimate of \$3.50 per hour for the running cost of the lights. Further quotes and detailed investigation will be conducted as part of the negotiations with agreeable clubs.

It is proposed that this initiative be piloted at Forrest Park and Les Lilleyman Reserve (after consultation with the local community) for twelve months and the reviewed for implementation at other reserves in the Town

Dog excrement

The issue of dogs' excrement left on the reserve was listed as an issue in terms of the importance of supplying "poo bags" handy for owners to pick up after their dogs. Officers believe that the Town's dog exercise areas are well stocked with "*poo bags*" and bins, noting that there are times when bags get removed in bulk and/or not used for the intended purpose.

More importantly, the issue that needs to be addressed is the education of dog owners to be more conscious of picking up after their dog and for park users to only use the bags provided for the purpose which they were originally intended for.

Ranger currently engage in a school education programme targeting school children in educating and informing them of dog behaviour and responsible pet ownership. It would seem that the adult members of our community would do well with a similar education programme.

Fencing Parks to prevent dogs escaping

Britannia Reserve already has a chainmesh fence along its entire length protecting dogs from running onto the freeway reserve

More Dog Exercise areas

Recommend Birdwood Square as an additional dog exercise area. Birdwood Square is not used frequently for active recreation given the uneven ground levels.

Investigate the possibility of piloting a dog playground to incorporate in an appropriate dog exercise area. Reference to be made to other council's initiatives eg City of Swan.

Shared usage with sporting clubs

The shared usage with sporting clubs has been a contentious issue since 2004 when a sporting club was booked to play in the dog exercise area at Britannia Reserve. The contention continued at another sporting reserve, Les Lilleyman, resulting with much negotiation required to set a compromise between active and passive recreation.

Current local laws apply limitations on approved dog exercise areas that dogs must be held on a leash when a Council approved function or prescribed sporting event is being held. This poses a contradiction to the provision of the exercise areas and the findings of the study indicate a level of dissatisfaction towards this limitation. Given that a good percentage of dog owners, it would seem logical that dog exercise areas be considered for priority use for dog owners after work hours particularly from 5 – 7 pm.

Current practice in some local governments such as the City of Joondalup, allows unleashed dogs in all parks in a region or municipality (perhaps with a few exceptions where they are banned or required to be restrained on a leash). It could almost be called a policy of no response and reflects the situation that existed prior to leash laws being enacted. The emphasis here is on integration with other open space users rather than separation. This approach is reasonably common where it has been in place over a longer period of time. Its advantages are that it is easy to understand and is inherently fair to dog owners irrespective of where they live. The Rangers can concentrate on encouraging and enforcing acceptable behaviour rather than enforcing leash laws and explaining and justifying Council's policy. It also spreads the effects of potential conflicts over a wider area. Discussions with the rangers at Joondalup indicate that conflicts with dog walkers and other users of reserves are the exception rather than the rule.

It is proposed that the Town could trial such an approach at one of the dog exercise areas which is also used as an active recreation reserve. The recommendation would be to trial it at a reserve to be selected (in consultation with the local community) for a period of six months.

More seating and benches to be made available

Parks Services currently have a park furniture upgrade program in progress whereby additional and replacement park furniture is being installed at all of our parks /reserves over the next few years.

Keep the parks tidy

This is an ongoing responsibility for parks staff and usually undertaken to a high standard. Dog owners, however have to be made responsible for cleaning up after their dogs and ensuring that their dogs are controlled and do not create mess or damage the Town's grounds and gardens.

Signage is to be made clearer for off lead areas

The ongoing replacement of signage is being undertaken. The wording of signage is currently under review and may be rephrased in the near future.

Responsible Dog Ownership

Dog training to be subsidised by Council through a programme where each dog that is registered will receive 50% off obedience training to a maximum of \$100 from a recognised and accredited training provider, if conducted within first 2 years of dog's life. This could be trialled for the year of 2006-2007 and evaluated thereafter to determine its value.

Council to provide workshops and information sessions for dog owners on responsible dog ownership and the importance of training – to be incorporated as part of major festivals/events in the Town such as Leederville Street Festival, Hyde Park Rotary Fair, and Active Vincent Day through interactive display stands. Encourage structured activities for dog owners through partnership with agencies such as RSPCA – cultural development seeding grants could be offered to agencies to introduce such projects in the community.

Dog Walking Clubs

Dog walking clubs have proved to be a success in Victoria and New South Wales as part of the "*Healthy Parks, Healthy People*" project. It is important that the community drive such a project to facilitate the sense of community spirit and empowering residents to become active community members. It is recommended that "champions" in the community be sought out to launch the clubs and for Council to support the project through promotion and advertising. The clubs would also be integrated into the Town's Recreation Directory, website, Town's newsletter and through "dog" websites such as www.4legs.com.au which lists all the dog walk clubs and 'dog friendly' facilities nationwide in Australia.

One of the "spin-off" benefits of this sort of activity is that, the perception of safety within the parks and reserves at night, is heightened. This initiative, titled "Reclaiming the Parks", was trialed by the City of Gosnells and proved to be an effective method of increasing the public perception of community safety and security.

Strategic Plan

Incorporate dog exercise areas and upgrade into strategic plan to preserve current areas as the minimum.

Additional strategy under Key Result Area One - Environment and Infrastructure as follows:
"Ensure that appropriate number of dog exercise areas are accessible and maintained with adequate facilities for both owners and dogs."

Additional strategy under Key Result Area Two - Community Development as follows:

“Incorporate programmes and initiatives to encourage responsible dog ownership and encourage healthy lifestyle through activities such as dog walking.”

Further investigation

Issues pertaining to dog owners in the Town of Vincent to be listed as a priority issue in the Parks and Reserves Study and earmarked for further research and investigation using initial study as a base.

The proposed actions have been summarised as follows:

Action Item	Timing Schedule	Indicative cost	Section involvement
1. Audit of water facilities at designated dog exercise areas.	January 2006	Audit - in-house Cost of additional water facilities- TBA	CD & Parks
2. Timer lights after hours to be trialled at two reserves	May - September 2006	Initial outlay approx \$2000	CD
3. Birdwood Square to be listed as a dog exercise area.	March 2006	N/A	Ranger Services
4. Dog playground	2006/2007 Budget	To be advised	CD & Parks
5. Off leash trial at a reserve.	March - September 2006	N/A	CD & Rangers
6. Parks furniture upgrade programme.	Current programme	Current programme	Parks
7. Clearer signage for off-lead areas.	February 2006	N/A	Parks
8. Subsidised dog training programme.	2006/2007 Budget	\$5,000	CD & Rangers
9. Workshops and Information sessions.	March - June 2006	\$3,000	CD, Parks & Rangers
10. Develop and launch dog walking clubs.	February- April 2006	\$2,000	CD, Community Members
11. Incorporate dog exercise areas and upgrade into strategic plan to preserve current areas as the minimum.	Next Strategic Plan review	N/A	EMT, Elected Members
12. Issues pertaining to dog owners in the Town of Vincent to be listed as a priority issue in the Parks and Reserves Study and earmarked for further research and investigation using initial study as a base.	Agenda item for next working group meeting	TBA	Parks & Reserves Strategy working group

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2005-2010 Key Result Area Two - Community Development

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2005/06 budget has an allocation of \$5000 for the implementation of recommendations from this study.

COMMENTS:

As reported previously, the survey results had demonstrated that residents who are dog owners are requesting consideration in public open space management - not only for their own benefit but also for the benefit of the rest of the community. Providing a range of access opportunities is actually a credible tool for managing conflicts and problems that reportedly exist. It is important that the Town plays an important role in meeting the needs of this portion of the community with the added benefits of improving activity levels by promoting walking and exercising with one's pet.

The importance of encouraging residents to recreate and the value of social investment in leisure activities can be supported by academic and social research conducted in Australia and globally. Passive recreation activities such as dog walking should be part of the overall strategy for encouraging active lifestyles for the community in the Town of Vincent. It is recommended that the action plan discussed in this report be seen as a springboard for further strategies to harness the leisure interests of residents with the Town facilitating the provision of infrastructure and seeding programmes.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	28 November 2005
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he 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
7/11/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Perth Glory Pty Ltd of 310 Pier Street, Perth WA 6000 re: Perth Glory Members Night in Executive Suite and Gareth Naven Room - 9-10 November 2005
7/11/05	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mrs P.E. Bonser re: Unit 23, Leederville Gardens Retirement Village

Date	Document	No of copies	Details
17/11/05	Transfer of Land	1	Town of Vincent and City of Perth re: Right of Way - Farmer, Woodville, Menzies and Fitzgerald Streets (Title Volume 457, Folio 79)
17/11/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Mustard Function - Orlando Wyndam One Day Seminar in Cantona and Cruyff Suite - 18 November 2005
22/11/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Mustard Function - PTA Christmas Party - Grandstand and Pitch - 15 December 2005
25/11/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Mustard Function - Lunacom AGM - Grandstand - 30 November 2005

10.4.2 Report on the 2nd Trans-Tasman Mainstreet and Town Centres Conference 2005, Auckland, New Zealand

Ward:	-	Date:	25 November 2005
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer(s):	John Giorgi, Cr Simon Chester		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the attendance of the Chief Executive Officer and Councillor Simon Chester at the 2nd Trans-Tasman Mainstreet and Town Centres Conference held from 30 October 2005 to 2 November 2005 at Manukau City, Auckland, New Zealand; and*
- (ii) *INVITES Mr Greg Davis of Tactics4 to present his paper "Wallets past Windows" at an Elected Member Forum.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

PURPOSE OF REPORT:

The purpose of the report is to provide details of the Conference, as required by the Council's Policy.

BACKGROUND:

The Chief Executive Officer (CEO) and Cr Simon Chester attended the 2nd Trans-Tasman Mainstreet and Town Centres Conference held in Manukau City, Auckland, New Zealand between 30 October 2005 and 2 November 2005 as approved at the Ordinary Meeting of Council held on 23 August 2005. The conference proceedings comprised fifteen (15) keynote addresses by a variety of professionals in the Mainstreet development, marketing and business field, the presentation of 45 papers and a choice of two field trips. There was also a small trade display.

The Chief Executive Officer presented a paper on the Town's "William Street Upgrade", which was well received.

Previous national Mainstreet conferences were organised successfully by the local community and local organisations in each of Maryborough, Queensland (1995), Albany, Western Australia (1997) and Melbourne, Victoria (1999). The 1st Trans-Tasman Mainstreet and Town Centres Conference was held in Melbourne, Victoria in 2004 and was attended by the Chief Executive Officer, Executive Manager Technical Services and Councillor Maddalena Torre.

The 2nd Trans Tasman Mainstreet and Town Centres Conference built on the success of the inaugural Trans Tasman Conference in Melbourne, which brought together over 500 people involved in town and city centres, economic and community development from all parts of Australasia.

The 2005 Conference reflected on the successes of the past and the lessons learned, as well as identifying some innovative ways in which town centres and communities can move forward in the future.

The theme of the Conference was "Sharing Information, Inspiration and Innovation", with the Conference proving a useful opportunity for people from both sides of the Tasman to come together, share ideas and be inspired in their work of enhancing town centres and communities.

Some of the key note topics addressed during the course of the conference were:

- Financial management of town centres
- Creative project funding
- Community and business partnerships
- Partnerships with local government
- Marketing, promotion and branding
- Festivals and events
- Tourism and place marketing
- Innovative design of town centres
- Personal and professional development
- Year of the Built Environment
- Conserving and enhancing the heritage of town centres
- Community safety and crime prevention
- Strengthening existing businesses and creating new opportunities for growth
- Recruitment and retention of businesses
- Case studies of town centre renewal
- Communities achieving economic, social and cultural renewal
- Regional development and community initiatives
- Consumer trends
- Retail and merchandising trends

DETAILS:

Over 185 delegates mainly from Local Government and industry, from both Australia and New Zealand attended the three day Mainstreet Conference. This was significantly lower than the previous year. Approximately 15 delegates from Western Australia attended. A vast proportion of attendees were from private enterprise. A small number of elected representatives from Australia and New Zealand (NZ) were also in attendance.

Conference Proceedings

Opening Key Note Addresses:

1. **Brian Richards** - Principal Strategist - *"Information, Inspiration, Innovation - Using the Physical and Emotional Infrastructure of your Location to build a Valuable Brand"*

Mr Richards was the first Key Note Speaker, after the traditional Welcome Ceremony. He spoke about the history of Manukau, the migration of the Maori people, adaption and new design issues and the effect of the white settlers - European culture/Maori culture.

However, his expertise is in marketing and advertising. He spoke in depth about the pillars of Branding;

- Differentiation - is it different?
- Relevance - is it relevant to the community?
- Esteem - do people hold it in high esteem?
- Knowledge - do people know about it?

Marketing depends upon needs and wants - "what do I need and what do I want?"

What do people recall about a place - a sense of place!

The human brain is the most valuable *"real estate"* in the world - you have on average 2.8 seconds to get the point across and the branding vision should be made up of the culture and the unique story of the entity - difference should be celebrated. Develop the story of who you are through the identity of the people - there is positive parochialism - get people to appreciate the place they are in. Consider how best you can tell the story of who you are.

2. **Helen Warboys and Robyn Simon** - *"Who are we? This is New Zealand."*

Spoke about successful town centres in New Zealand and the various partnerships which were involved to make them successful. These included the Town of Bulls - where many of the Town's businesses use the name "Bull" in their signs and advertising, e.g. grocer - "veget-a-bull"; hairdresser - "cut-a-bull".

3. **Michael Cullen** - *"What Makes a Great Town."*

Spoke about Town Centres and Mainstreet projects in New Zealand and Australia. Subiaco - Perth, South Melbourne and Gungahlin in Canberra were presented as examples of successful examples of a town centre. Shopping Centres are anti-town.

The activation of the public realm, which activates land use intensity. Land use intensity usually means;

- more people
- more businesses
- more activity
- greater social exchange
- better public transport performance
- democracy

Spoke about employment ratios;

Jobs:

Shopping Centre	=	650 jobs
Mall dominated Town Centre (with big mall)	=	2,400 jobs
Traditional Town Centre (no mall/small mall)	=	2,800 jobs

Jobs Ratio:

Shopping Centre	2 retail jobs per 1 non-retail
Mall dominated Town Centre (with big mall)	2 retail jobs per 2.4 non retail
Traditional Town Centre	2 retail jobs per 5 non retail

What makes a great Town?

Streets and spaces fed by:

1. connected local and regional structure (multiple access);
2. impressive business and retail area;
3. active and attractive retail area;
4. the right vehicle and pedestrian environment;
5. good buildings;
6. a sense of scale;
7. co-ordinated management; and
8. correct land use.

Some key comments;

- "congestion is your friend"
- "pedestrians come first"
- "distribute parking/carparks as evenly as possible"
- "parking is an origin - mainstreet a destination"
- "rail/bus" is an origin - mainstreet a destination"

4. **Bruce Harland** - Manager, Flat Bush Design and Development, Manukau, NZ - *"Flat Bush Town Centre - bringing "THE TOWN" back into planning."*

Bruce has been involved in the planning and urban design profession for 19 years and has been leading the comprehensive planning and now overseeing the development of New Zealand's largest new town at Flat Bush at Manukau.

Flat Bush is New Zealand's largest and comprehensively planned new town covering an area of 1,700 ha and an anticipated population of at least 40,000 by 2020.

Drawing on an extensive community consultation and previous lessons of placemaking the comprehensive multi disciplinary approach taken to planning for this significant new town has lead to the adoption of innovative ideas and techniques that will contribute to the development of a more sustainable urban settlement pattern. In particular, a substantial new town centre built around a traditional mainstreet and a wide mix of activities including; retail, business, community, recreation and residential is anticipated to become the "heart and soul" of this new town.

The design approach includes; recognition of the fundamental importance of the "public realm" in shaping our cities and requires built outcomes that respect public spaces such as streets and parks.

Manukau City Council as the key landowner of the future 18ha Town Centre adjacent to the 93ha Barry Curtis Park, has concluded that a "hands-on" role is appropriate to ensure the delivery of a lively and vibrant town centre with a wide mix of activities, including places to live, work and play. The detailed masterplan for the town centre demonstrates that the art of placemaking is alive and well and combined with Council's innovative approach to establish a development company (CCTO - Council Controlled Trading Organisation) to oversee the implementation of the masterplan, the future of the Flat Bush Town Centre is looking promising.

5. **David West** - Principal Consultant, Premier Retail Marketing, Adelaide - *"US Lifestyle Centres the Newest Challenger to Main Streets."*

David has 15 years' experience managing and consulting for main streets and shopping centres. He achieved excellent results as the manager of Rundle Mall in the Adelaide CBD working with more than 600 retailers, 250 service providers and 200 property owners.

Believes that shopping centre developers are paying the Main Streets a compliment by adding main streets to their centre formats, but questioned what impact will this have on traditional Main Streets?

Developers are creating open-air formats with streetscape elements to give customers a new and unique "experience". Lifestyle centres are being created all over the United States where people live, work, shop and play. Traditional shopping centres are reaching differing stages of maturity, and in America many faced rapid decline.

Retailers looking for new locations to increase their market share are being attracted to lifestyle centres and urban street locations to capture new market opportunities.

The main streets "created" in these lifestyle centres are very clean, safe with excellent customer facilities. Traditional main streets need to be well managed to meet the needs of customers and deliver the standards they expect. Business Improvement Districts (BIDs); Main Street and Town Centre Associations are focussing resources on improving the City and Main Street environment for customers and visitors.

Spoke about the City Centre District in Philadelphia, which is a wonderful example of City management. The District funding has just been renewed for 20 years and they deliver a very high standard of cleaning and safety to the streets of Philadelphia. Urban streets and shopping centres must be aware of this new competition in the market and meet the challenge.

6. **Peter Kenyon and Warren Snow** - *"The Big Box Balancing Act."*

Peter Kenyon is a social entrepreneur and community enthusiast. Over the last decade he has worked with over 600 communities throughout Australia and overseas seeking to facilitate fresh and creative ways that stimulate community and economic renewal. He is motivated by the desire to create healthy, inclusive, sustainable and enterprising communities.

Warren Snow has worked in the area of community economic development for 20 years. His main passion is to help communities return to greater levels of self reliance.

Asked the question; Can Town Centres and Independent Businesses Survive the Spread of Big Box Retail and Mega Malls?

He believes that attempts to halt the spread of Big Box retail and Mega malls have largely failed as they gradually saturate the country. Some would say that their impact on the viability of independent businesses and town centres hasn't turned out so bad. Increased tourism and the buoyant farming economy of the last few years have enabled communities to ride out the storm. Others point to the decline of traditional roles for town centres, the loss of local business and jobs and the costs of mitigating these impacts.

He questioned whether there is an end to the spread of big box retail. What will happen to local business and town centres if farming and tourism decline? Are there strategies that local independent businesses (and Main Street coordinators) can adopt to claw back market share to survive and flourish alongside big box and mega malls?

Peter and Warren debated these issues and relate their experiences taking a Mayoral delegation from Launceston, Tasmania around New Zealand to look at the impacts and what has resulted from that tour.

7. **Lindsay J A Gow** - Deputy Chief Executive, Ministry for the Environment, Wellington - "*Urban Design Protocol*."

Lindsay was trained at Victoria University of Wellington and Auckland University, and has been involved in resource management and environmental planning in the public sector for over thirty years.

Urban design is concerned with ensuring that the buildings, places, spaces and networks that surround us are designed and work together in a way that enhances our quality of life. Spoke about New Zealand which has some excellent examples of high quality urban design, but needs many more of them. Believes that well designed town centres and main streets at all scales are an important and central part of this. They provide the potential to create value for communities, individuals, the economy and the environment. The potential benefits of high quality urban design include better public health, greater social equity, enhanced land values, a more vibrant local economy, reduced vehicle emissions, and more sustainable use of non-renewable resources.

Spoke about the New Zealand Urban Design Protocol, launched by the Government on 8 March 2005, which is a voluntary commitment by signatories to extending the reach and quality of urban design. Its objective is to really lift the standard, coverage and take up of urban design in all towns and cities. It is going to do this through sharing the experiences and learnings of those engaged, through the Protocol, in all types of urban design. Over one hundred organisations have become signatories to the Protocol, including central and local government agencies, representatives from across the spectrum of built environment professions, and important sector organisations such as the Town Centres Association of New Zealand.

The Chief Executive Officer obtained copies of these protocols and Urban Design Booklets, together with CDs. Copies of the City of Manukau's recently adopted Design Guidelines were also obtained. These have been provided to the Town's Planning Officers and a copy is also "Laid on the Table".

8. **Jillian de Beer** - "*Where were You coming from?*"

This presentation focused on marketing and communications. Identity was a key focus with the DNA of identity being creations, expressions, experiences, knowledge and heritage. New Zealand is currently experiencing a renaissance in identity through cultural fusion and mix, it is positioning itself as clean, green, creative and innovative with a particular focus on the promotion of creative and innovative. The importance of delivering an authentic experience was identified - stated people want a low key, authentic, honest and engaging experience.

9. **Marcel Lauziere** - Deputy Chief Executive, Social Development Policy and Knowledge, Wellington - *"Reporting Social Outcomes in New Zealand's Local Areas."*

Prior to his appointment to the role of Deputy Chief Executive, Social Development Policy and Knowledge MSD, Marcel was President and CEO of the Canadian Council on Social Development, a leading social policy research organisation working in areas related to income security and poverty, children and families, persons with disabilities, cultural diversity and the voluntary sector.

Marcel has been active in promoting stronger links between social research, policy and practice. He has also been an advocate for better access and utilisation of social statistics and he organised the first OECD workshop on social statistics and infrastructure needs for the social sciences. His paper addressed a number of social issues and their impact on the community.

10. **Martin Matthews** - Chief Executive, Ministry of Culture and Heritage, Wellington - *"Cultural Well-being, Local Government and Mainstreets."*

The Ministry is responsible for government's interests in the arts, culture, heritage, history, broadcasting, sport and recreation. The Ministry has around 80 staff and manages a budget of \$250 million for funding a range of government and non-government agencies.

His presentation addressed the concept of "cultural well-being". The role of the Ministry in working with local and central government partners in the achievement of cultural well-being outcomes were discussed. Examples for town centres and mainstreets work were used. It is contended that the most innovative and effective outcomes will be generated when all four well-beings - economic, social, environmental and cultural - are considered in planning and operations.

A copy of the Annual Report was obtained and is "Laid on the Table".

11. **Greg Davis** - Director, Tactics4 - *"Wallets past Windows."*

Greg Davis is a Director of Tactics4, a consultant group providing market and consumer, property and business advice to owners, developers and governments. Greg was involved in the preparation of the Town of Vincent's Economic Development Strategy.

Greg has an extensive range of strategy, policy and design experience refined over 15 years of consulting throughout Australia and New Zealand. His expertise is built on a foundation of 10 years with state and local government planning agencies.

He believes too much emphasis is currently placed on the 4Ps (paving, planters, poles, painting) in the revitalisation of town centres and Mainstreets. Key economic principles and consumer drivers are often overlooked in favour of the quick visual fix provided by the "planter led" streetscape recovery experience.

Town Centres and Main streets have the opportunity to adopt some of the fundamental principles applied very early in the design and layout stages of shopping centre development. This should not be seen as "selling out". Shopping Centre designers are currently including main street and town centre environments into their centre designs, why shouldn't Town centres borrow the upfront principles that currently provide them with the competitive advantage.

The retrospective redesign of town centres on the location of major attractors and consumer behaviour and key developable sites provide an opportunity for centres to remain competitive in the future. The strategic use of key sites - including the main landowner in any town centre (Council - by virtue of its road networks) may be utilised to retain or attract anchor tenants.

This alternate approach to town centre revitalisation represents a very important stage of a town centre's lifecycle. His presentation addressed the following topic areas in order of relevance:

1. Strengthening existing businesses and creating new opportunities for growth;
2. Innovative design of town centres;
3. Consumer trends;
4. Partnerships with local governments; and
5. Urban design protocol.

This presentation is very relevant to Vincent. It is therefore recommended that Mr Davis be invited to present a paper at a Forum.

12. **Steve Johnston** - Chief Executive Officer, Isis Shire Council, Queensland - *"Reinventing Childers: Small Town Recovery after Tragedy."*

In June 2000, the historic Palace Backpackers Hostel in the centre of Childers' main street was ravaged by fire resulting in the deaths of 15 young backpackers. The aftermath of the fire severely impacted on the local community, which was reeling from emotional, physical and economic loss and the resultant adverse image of the town and the region.

The Isis Shire Council embarked on a strategy to appropriately recognise the tragedy, restore the Shire's image and to make tangible investments in their community to arrest the decline in the local economy brought about by this event.

Through a Government and private sector partnership, the building was restored to its former federation glory to incorporate a Backpacker Memorial, Visitor Information Centre and an Art Gallery. Council also invested heavily in a major streetscape project to revitalise the town centre to enhance the town's reputation as a "must see" and rest stop for travellers. The Palace Memorial building now has had 400,000 visitors through it and has been acclaimed both nationally and internationally for its magnificent memorial. This paper demonstrated what can be achieved, if there is commitment.

13. **Sally Jackson** - Manager, Hastings City Centre Marketing - *"Gaining Inspiration from an international study tour."*

Sally Jackson was recently selected to go on an international vocational study tour. She received a grant to study for six weeks in Michigan and Ontario in the US and Canada.

She is Hastings City Marketing Manager and has just returned from a trip to Michigan and Ontario where she represented New Zealand on a Rotary International Group Study Exchange.

The trip was focused on vocational activities and the areas Sally was involved with including investigating towns and cities that had large format retail developments and the impact those developments had on the independent retailers in the city centre. She also investigated marketing and tourism strategies for City Centres and management of community assets.

14. **Rachel Helsby** - Newman Mainstreet Projector Coordinator and **Danielle Cochrane** - Newman Mainstreet Project Chairperson, Western Australia - "*Creative ideas for Festivals and Community Events.*"

Rachel Helsby has been employed as the Newman Mainstreet Project Coordinator for the past 4 years. She has also been involved in an assortment of community organisations in Newman.

Danielle Cochrane has recently taken up the position of General Manager of a progressive catering and retail food outlet company, after 5 years in Local Government as Manager of Recreation and Community Relations.

These speakers provided an interesting paper on main streets in an isolated town such as Newman. They spoke about;

- *Finding a unique event for your Town*: find that quirky something that will be unique to your town, and make your event stand out, e.g. "Snow in the Outback" involved hiring a snow machine and operators to create snow n Australia's north west. This gave many people a once in a lifetime opportunity to experience real snow. Unique events attract media coverage!
- *Finding sponsors and funding*: they believe there should be no restrictions in pursuing sponsors - government funding, local, state and federal government, local businesses, national and multi-national businesses. Speak to potential sponsors, find out what their sponsorship priorities are.
- *Creating partnerships* - "sell the idea" - making your event attractive to sponsors by offering a variety of benefits, e.g. Newman Outback Drags - TV advertising, print media, media releases, TV coverage, lane naming rights, race class naming rights, logos in program or brochure.
- *Promotions ideas* - "be creative" - e.g. goat raffle, selling memberships, sell bulk "free entry" tickets to businesses, sell advertising space on banners, etc., sponsors area or other benefits at events, exclusive photo opportunities, e.g. Something Fishy (putting 250 live barramundi in town pool for fishing weekend) - contact TV series with an interest in event theme, e.g. Fishing WA, Rex Hunt, Getaway, etc.

Their presentation demonstrated the impact of private citizens' involvement upon an outback community.

15. **Garth Falconer** - Director Urban Design and Landscape Architecture - "*Contemporary Design Led Responses.*"

Garth is a Fellow of New Zealand Institute of Landscape Architects and has a Masters in Urban Design from Oxford Brookes.

Garth presented a short review of key elements of design led projects that have successfully addressed contemporary issues.

16. **Brigitte de Ronde and Kate Rogers** - *"People, Places and Spaces - Managing Growth by Strategic Planning"*

This speaker addressed the planning processes and strategies put in place to manage Manukau's Regional projected growth, where its population is expected to double and reach two million in the next 45 years. She believes a compact urban form with higher densities located around existing town centres is a key tool in addressing future demands in a more efficient and sustainable manner.

The growth management strategy is more than just housing and creating employment for Manukau's additional residents – it's about creating place and identity through the promotion of quality urban design in living and working environments. Preserving and protecting sensitive eco-systems from sprawling development and urban encroachment is another key driver in the development plans.

17. **Doug Leighton** - *"Collaborative Planning and Design - Doug Leighton"*

Doug spoke about the old autocratic system of planning and design, the better interactive system and what is now regarded as the best system the collaborative system of planning and design.

The principles of Collaborative Planning and Design are:-

- Steering committee driven, front end loaded, based on negotiation principles (getting to yes), group processes and focusing on issues and resolution.

The benefits are seen to be community concerns and their importance are identified, people are better informed and local ambassadors are created, controversial issues and solutions are identified, issues are resolved through consensus and debate and as a result win win outcomes occur more frequently.

We were taken through the sequence of steps which were similar to our visioning process. Finished the presentation with the:-

"Do's – revitalisation – do it once / do it right
Don't – Prettification – just do it ...she'll be right."

18. **Alex Sweny** - *"Marketing and Promotion - HOTCitt"*

HOTCity is the largest mainstreet organisation in New Zealand. It is based in Auckland's CBD. Its website is www.hotcity.co.nz. Funding is provided by a 0.08 cent levy on rates to provide 2.3 million in funds and that is further levered by a factor greater than 2.5:1. Shopping malls (referred to as "polyester malls") are seen as an opponent of mainstreets and account for 50% of retail in America, 40% in Australia and 27% in New Zealand. Apparently New Zealand has 20% more retail space per capita. Alex spoke of the success of the organisation and the respected position it had attained in the broader community. Initially a lobby group for CBD interests HOTC has traded on its success with a wide range of city partners to not only reduce rates but to initiate major capital works and to also attract a wide range of international events. He spoke about how people want to feel the experience of retail, they want to see and be seen – have a social experience.

19. **Melanie Williams** - *"Branding - Its always different"*

Christchurch's promotional campaign to entice locals back into the Central City was the focus of this presentation. Melanie Williams is a marketing graduate and works in the planning department of Christchurch City Council. Her main role is market research, marketing campaigns and eliciting co-operation between the different stakeholders. Christchurch has a particularly unique situation as it now has the largest percentage of retail floor space per capita in the Southern Hemisphere – 4 major malls and 26 regional centres to service a population of only 344,100.

Shopping Malls and Big Box (Warehouse) development were seen throughout the conference as the direct rival of Mainstreets particularly as they diversify into eating and entertainment, target new and unique businesses, focus on attracting mainstreet audiences and are not usually locally owned. Funding options for the Christchurch city centre marketing project were a rate increase, reallocation of committed funds, a compulsory levy or funding from increased parking charges – the compulsory levy was chosen. A series of advertisements and images were prepared for print media as well as television advertisements with the slogan – "Christchurch City Centre – always different".

20. **Bob Macfarlane** - *"Full steam ahead in Featherston"*

Featherston is a small rural servicing centre of about 3000 people situated in the Southern Wairarapa, New Zealand, with a significant commuter population. The town had a falling population, declining town centre and no brand to distinguish itself from its rural town neighbours. The town held workshops and identified their distinctive identity through knowing their heritage. 21 key projects were identified which included improving the appearance of heritage buildings, creating a sense of arrival and developing a distinctive brand. The presenter provided information as to how the project had stalled through inadequate allocation of resources.

Auckland Field Trip - Monday 31 October 2005

A walking tour by planning staff from the City of Auckland commenced at 2:00pm on the Monday afternoon. The tour started at the Sky City casino and took in the larger scale development to the west of Queen St and the finer lower scale historic precincts to the east of Queen St. Auckland's Town Planning Scheme is developed around views, streetscapes and Heritage buildings. Floor area ratio (similar to Plot ratio) is the major determinant of development, maximum Floor area ratios are 6:1 basic, 8:1 in the historic areas and 13:1 maximum – only where the developer provides significantly improved public amenity.

Maintenance of sunlight to public spaces is a major consideration and building envelopes are controlled to facilitate this. Auckland CBD at first appears as a very recently developed dense urban model with a high proportion of tower development, far more dense than Perth currently is, on closer inspection the historic buildings particularly to the east of Queen Street have been extensively retained. The eastern precinct maintains the human scale and rich fabric - the end result being a network of narrow streets similar to but far more extensive than the King Street Precinct in Perth.

The tour took in the Britomart development at the northern end of Queen St adjacent to the Auckland Harbour. The development is based around the adaptive reuse of the historic Post Office. The old Post Office Building forms the entrance to one of very few underground diesel train stations in the world. The train station is surrounded by bus stops, immediately adjacent is Auckland's main ferry terminal. The infrastructure forms high capacity transit hub. Adding further to the project, the land on top of the station and railway has been designed to

carry 8 –12 storey development and the land next to the development contains historic port buildings that are set for adaptive re-use. The vacant land and buildings are to be parcelled up and sold to developers to recoup project costs. We then boarded a ferry and toured Auckland Harbour and viewed its recreational, residential, commercial and industrial uses.

Auckland City Redevelopment

A comprehensive sightseeing tour of Auckland City was carried out on Sunday 30 October 2005.

Numerous photographs were taken depicting the extensive urban revitalisation currently being carried out, particularly along the waterfront precinct and these are attached at Appendix 10.4.2. Many old and what appeared to be heritage, buildings were being converted to residential units and a number were also "hoarded" pending their sale and subsequent refurbishment.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

Council's Policy 4.1.15 – "*Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters*" – Clause 5 states;

- "5.1 Following attendance at State conferences, congresses, study tours and any seminars, forums, workshops of two (2) days or more duration, the attendees shall submit a report to the Council within thirty days of their return to Perth, for the Council's information and records. The report shall include a summary of the event's proceedings, major points of interest to the Town and recommendation as to whether attendance at similar conferences is warranted.*
- 5.2 All Conference Papers are the property of the Town and are also to be placed in the Town's Library so that they are accessible by the public."*

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 1.3 - "*Develop, implement and promote sustainable urban design*".

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

Key Conference Findings and Points of Interest:

1. This conference continued on the theme of the 2004 Mainstreet Conference held in Melbourne and reinforced that Main Street and Town Centre revitalisation is a partnership arrangement which involves Government, private business proprietors and business proprietors (Chambers of Commerce) - a successful Main Street occurs when there is harmony between the various partners and conversely, where the relationship is unbalanced or in conflict, the outcome is unsuccessful or under its maximum potential.
2. In New Zealand, Mainstreet is very prominent and active across the country. Many councils, governments and chambers of commerce are returning to delivering Mainstreet style programs. The main reason is to boost employment and to re-vitalise communities.

3. Many states in Australia use and understand the term Mainstreet, however it is usually fragmented.
4. It was shown that Mainstreet programs operating throughout New Zealand, are based on a partnership between local government and the business community. Some Business Associations are funded by an incremental Mainstreet rate on commercial properties, within a specified area. In these cases the Separate Rate is collected by local government and passed onto the Business Association via quarterly grants. The Business Association usually employs a co-ordinator to promote businesses.
5. Mainstreet means varying approaches and ideologies to practitioners endeavoring to develop their communities and commercial precincts in towns, regional centres and urban shopping strips. The conference promoted the concept that small business and mainstreet retail are the key drivers of economic growth.
6. There was a general consensus from a number of speakers that large retailers, e.g. "Megamarts" (USA) are to be carefully considered and, if possible, located in the commercial centre of a town or city. Instances where these large complexes are located as "end of destination" visits on the outskirts of a town, result in a major decline of the Main Street precinct and small businesses. A number of examples were provided, which illustrated that these commercial centres actually resulted in a loss of unemployment in a town and a diminishing financial return to the community.
7. The importance of culture. Cultural fusion is being embraced by modern societies to identify the unique stories and the distinctive identities of community. Culture has been added to the triple bottom line to produce the quadruple bottom line. Community well-being is made up of the four well-beings - cultural, environmental, social and economic. Cultural wellbeing is the vitality that communities and individuals enjoy through participation in recreation, creative and cultural activities plus the freedom to retain, interpret and express their arts, history, heritage and traditions.
8. Continued quality urban design is important but revitalisation of Town centres has to shift its focus from the traditional 6P approach of painting, paving, planter boxes, palm trees, poles and furniture. Retail planning is a key aspect that needs to be embraced for sustained Main Street revitalisation.
9. There is a wealth of knowledge available throughout Australia and New Zealand and the contacts made at the conference will enable this information to be assessed.

COMMENTS:

Attendance at this four-day conference was very informative and beneficial. Numerous local governments around Australia and New Zealand are experiencing decline and particularly those with competing major shopping centres.

The CEO and Cr Chester are of the opinion that this conference was very informative and relevant to the Town. The Town is embarking on revitalization and infrastructure upgrade of its commercial centres and the information gained at the conference will be used in the preparation of concept plans.

10.4.6 Authorised Officer – Appointment of

Ward:	Both	Date:	28 November 2005
Precinct:	All	File Ref:	PF
Attachments:			
Reporting Officer(s):	J McGee		
Checked/Endorsed by:	J MacLean	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the appointment of the following, as Authorised Officers of the Town of Vincent, effective from Monday 28 November 2005,

- *Simon Giles*
- *Samantha Alborn*
- *David Boardman*
- *Dene Francis Lawrence*
- *Murray Matthews*
- *Sean Cappeau*
- *Jenny Avins*
- *Wei Tang*
- *Richard Harris*
- *Alex Scheidegger*
- *Albert Curtis*
- *Sharnelle Beanland*
- *Michael Norouzy*
- *Timothy Bryant*
- *Glenda Dalby*
- *Amanda Taylor*
- *Karl Stangroom*
- *Peter Xanthis*
- *Craig Grant*
- *Francis Lawrence*
- *Caroline Hills*
- *Thomas Glavinas*
- *Vittorio Dellavecchia*
- *Tyron Jeremy Kerr*
- *Angela Boyes*
- *Maureen Stieller*

under the provisions of the:-

- *Litter Act 1979 and all subsidiary legislation made under the Act;*
- *Dog Act 1976 and all subsidiary legislation made under the Act;*
- *Bush Fires Act 1954.*
- *Local Government Act 1995*
- *Control of Vehicles (Off Roads Areas) Act 1978;*
- *Town of Vincent Parking Facilities Local Law;*
- *Town of Vincent Local Laws as follows:*
 - *Streets and Footpaths;*
 - *Display of Items on a Footpath;*
 - *Eating Areas;*
 - *Dogs;*
 - *Street Trading;*
 - *Parks and Reserves;*
 - *Removal and Disposal of Obstructing Animals or Vehicles;*

COUNCIL DECISION ITEM 10.4.6

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to approve Authorised Officers, to enable the Ranger Services and Community Safety Section to operate as prescribed by the legislation.

BACKGROUND:

The Town of Vincent has the responsibility for the enforcement of a number of enactments, including the Local Government Act 1995, the Dog Act 1976, the Litter Act 1979, the Control of Vehicles (Off Road areas) Act 1984, the Bush Fires Act 1954, various Local Laws and all subsidiary legislation relating thereto.

It is a requirement that all officers, operating within the Town of Vincent Ranger Services Section, are Authorised Officers, under the various statutes, to enable them to effectively perform their duties.

DETAILS:

Over the past few months, there have been a number of the Town's existing full-time Rangers, Temporary Rangers and Customer Services staff, who have resigned or who have taken Maternity or other long-term leave. This has necessitated the engagement of new staff.

A number of new Rangers have been employed as Temporary Rangers, two of the previous Temporary Rangers have been engaged as full time Rangers and three (3) new customer services staff have been engaged, to ensure that the staffing levels of the Rangers Section are kept at a number, which will maintain adequate coverage.

While most of the above named staff have primarily been engaged to enforce the parking restrictions in the area surrounding Members Equity Stadium, it is appropriate for all staff, who have a responsibility to enforce the legislation, to be authorised to do so. Previously, Temporary rangers were authorised only for parking duties, but there are many occasions, where the temporary Rangers are now engaged to assist the existing Rangers, for the numerous events that are held within the Town and it is considered appropriate to authorise them under all legislation enforced by the Section. Customer Services Officers also issue infringement notices, where appropriate evidence, of an offence, is provided by Police or other Statutory Enforcement bodies. As a result some Customer Services Staff also need to be authorised under the same legislation as are the Rangers.

CONSULTATION AND ADVERTISING:

There is no legal requirement to advertise the appointment of Authorised Officers, since the minutes of the Council Meeting is a public record.

LEGAL/POLICY:

Section 3.24 of the Local Government Act 1995 requires any person, who will act on behalf of a Local Government, to be expressly authorised to do so. The Chief Executive Officer has previously approved the Authorised Persons, however, it is more appropriate if the Council approves the matter as the Council Minutes can be provided in court as evidence.

STRATEGIC IMPLICATIONS:

This appointment is in keeping with the Strategic Plan 2005 - 2010, at item 4.3(e) - *Develop and promote a positive and professional corporate image.*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The appointment of Authorised Officers will enable the Ranger Services and Community Safety Section to meet the statutory requirements of the Town. The above report is recommended for approval.

10.4.7 Tamala Park - Establishment Agreement

Ward:	N/A	Date:	30 November 2005
Precinct:	N/A	File Ref:	PRO0739
Attachments:	001 ; 002		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the Establishment Agreement for the Tamala Park Regional Council as shown in Appendix 10.4.7;*
- (ii) *AUTHORISES the Mayor and Chief Executive Officer to sign and seal the Establishment Agreement when compiled in its final form;*
- (iii) *APPROVES of the Establishment Agreement being submitted to the Hon. Minister for Local Government and Regional Development requesting approval from the Hon. Minister for the establishment of the Tamala Park Regional Council and for gazettal of the approval at the earliest possible date;*
- (iv) *NOTES that settlement of Bush Forever issues with the Western Australian Planning Commission (WAPC) is well advanced and that compensation payments totalling \$16,334,000 be due for payment by the WAPC to the joint owners of Lot 118 Mindarie, the majority of which payment will be made by two (2) instalments in the 2005/06 financial year;*
- (v) *ENDORSES (in accordance with the proposed Establishment Agreement) payment of the compensation referred to in Clause (iv) above direct to the Tamala Park Regional Council, if the Council is established at the time that the payments by the WAPC are made to the owners and that in the event that the Tamala Park Regional Council is not established at the time that the WAPC payments are made, the amounts received by the Council be paid to a trust account and remitted to the Tamala Park Regional Council when the Tamala Park Regional Council is formally established.*

COUNCIL DECISION ITEM 10.4.7

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

PURPOSE OF THE REPORT:

The purpose of this report is to advise progress of the development of an Establishment Agreement for the Tamala Park Regional Council and to request approval to be a co-signatory of the Agreement with the other Local Governments that are Joint owners of Lot 118 Mindarie.

BACKGROUND:

At the Ordinary Meeting of Council held on 18 January 2005 (Item 10.4.2) a progress report was presented on key issues relating to the future development of Lot 118 Marmion Avenue, Mindarie.

The following resolutions were adopted at the Council Meeting of 18 January 2005;

"That the Council;

- (i) *ENDORSES the proposed Bush Forever Negotiated Planning Solution (NPS) outlined in this report subject to the deletion of any reference to the formation of a Joint Development Group;*
- (ii) *AUTHORISES the Chief Executive Officer to complete documentation for a Negotiated Planning Solution relating to Bush Forever on Lot 118 Marmion Avenue, Mindarie and submit the documentation to Council for formal agreement in conjunction with recommendations relating to valuations now being obtained and to include advice to Council relating to the need to prepare a Business Plan and consult the community on this matter;*
- (iii) *ENDORSES the key principles set out in the detail section of this report to guide the urban development of Lot 118 Marmion Avenue, Mindarie;*
- (iv) *SUPPORTS the proposal to develop Lot 118 Marmion Avenue, Mindarie without involvement of a Joint Venture partner; and*
- (v) *SUPPORTS the proposal of the Chief Executive Officer to prepare a further report to Council setting out how, and under what legal structure, the owner Councils should progress the intended development of Lot 118 Marmion Avenue, Mindarie."*

At the Ordinary Meeting of Council held on 22 March 2005, the Council considered a further report on this matter and resolved as follows;

"That the Council;

- (i) *ADOPTS the Business Plan as shown in Appendix 10.4.3(B) covering land issues affecting Lot 118 Mindarie, including the establishment of a Regional (Development) Council for approximately 166 hectares of Lot 118, for the purpose of advertising pursuant to Section 3.59 of the Local Government Act;*
- (ii) *APPROVES the draft Establishment Agreement for the (Tamala Park) Regional Council (TPRC);*
- (iii) *APPROVES the proposals for lease adjustment with the Mindarie Regional Council (MRC) and the lease document, when available, be endorsed;*
- (iv) *RESOLVES that the proposals for a Negotiated Planning Solution (NPS) with the West Australian Planning Commission (WAPC) regarding Bush Forever sites 322 and 323 be entered into an Agreement for endorsement by owner Councils; and*
- (v) *NOTES the valuation components of Lot 118 Mindarie for the purpose of negotiations with the WAPC for compensation payments for land to be transferred under the NPS referred to in Clause (iii) above;*
- (vi) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to negotiate the satisfactory conclusion of the matters detailed in this report; and*

- (ii) Co-operative arrangements between the Mindarie Regional Council and the proposed new Regional Council with respect to core functions of each of the Regional Councils; and
 - (iii) Establishing a market rent to apply to the lease from the date of amendment.
2. All Business Plan formalities by all of the seven (7) co-owner Councils of Lot 118 and also by the Mindarie Regional Council have been completed.
3. The Heads of Agreement and value of compensation for the NPS have been agreed with the WAPC.
4. The Mindarie Regional Council has agreed the revised lease provisions and a market rent for the new lease has been established.
5. A committee comprising the CEOs of the seven (7) co-owner Councils have met on a consistent basis to advance arrangements that will facilitate signing on behalf of owner Councils of all documentation including a draft Establishment Agreement for the new Regional Council.
6. The draft Establishment Agreement has been submitted for perusal by the Department of Local Government & Regional Development, which has indicated that the document is in a form that may be submitted to the Hon. Minister for approval as required by Section 3.61(4) of the Local Government Act-1995.
7. The Local Government Act sets out particular detail of what is required to be included in the Establishment Agreement for a Regional Council. Amongst the items that are required are the following:
 - The name of the Regional Council
 - The (geographic) region description
 - The regional purpose
 - Membership of the Regional Council
 - How the Regional Council is financed
 - The manner in which participants may withdraw from the Regional Council including settlement of obligations and assets
 - Dispute resolution provisions

All of the above matters are set out in plain English in the document attached.

The membership of the Regional Council, and voting, is determined by ownership shares in Lot 118 Mindarie.

All of the 7 participant Councils have nominated representatives for the new Regional Council. The schedule of membership interest and nominated Council members are shown in the following tables:

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

NOMINATED COUNCIL MEMBERS		
Owner Council	Member	Deputy Member
Town of Cambridge	Mayor M Anderton	Cr K Barlow
City of Joondalup	Chairman of Cmr J Paterson Deputy Cmr P Clough	Cmr M Anderson
City of Perth	Cr E Evangel	Deputy Lord Mayor Cr M Sutherland
City of Stirling	Mayor T Tyzack Cr D Boothman Cr T Clarey Cr B Stewart	Cr B Ham Cr P Rose
Town of Victoria Park	Cr D Nairn	Cr R Skinner
Town of Vincent	Mayor N Catania	Deputy Mayor Cr S Farrell
City of Wanneroo	Mayor J Kelly Deputy Mayor Cr S Salpietro	

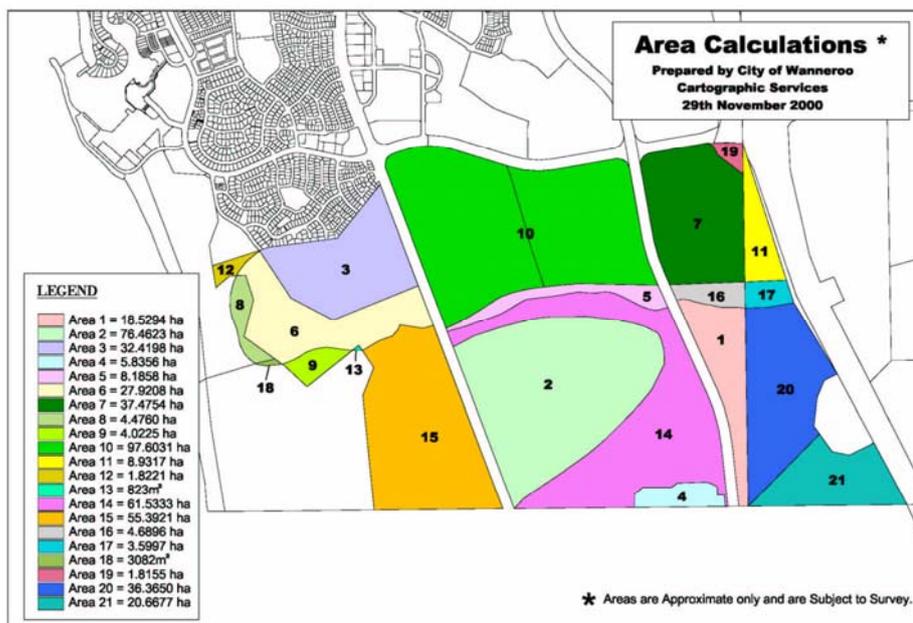
Before the Regional Council can be established it is required that all of the participant Councils sign the Establishment Agreement. The Establishment Agreement is then submitted to the Hon. Minister for Local Government and Regional Development. If the Minister approves the Agreement, the Regional Council comes into operation on the date on which the Minister's approval is notified in Government Gazette (Section 3.61(4) of the Local Government Act).

In the development of the Establishment Agreement it has been proposed that funding for development activity would be initiated through the assignment by participants of compensation payments due from the WAPC as part of Bush Forever settlement on transfer of part of Lot 118 for public purposes.

The Negotiated Planning Solution is yet to be formalised but agreement has been reached on the amounts of compensation that would be recommended to the WAPC and Councils. The compensation figures are based upon valuations obtained from the Valuer General (for the owner Councils) and from internal DPI valuers (for the WAPC).

The amounts of compensation supported by the valuations are as follows:

POST DELINEATION SURVEY				
	Plan Nos	Areas m ²	Value \$	\$ Per Ha
			Owners Calc	
Original residential land	3, 6	60.3406	76,600,000	1,269,460
30% western residential ceded free of cost	Pt 6	18.10218	22,980,000	
Balance of residential compensated at residential values	Pt 6	11.75942	14,928,118	
Add rural values	9, 12	5.8446	175,400	
Add rural values	1, 15	73.9215	1,220,000	
SUB TOTAL			16,323,517.59	
+ Valuation Fee 50%			11,130	
TOTAL COMPENSATION			16,334,647.59	



The WAPC is proposing payment of at least \$14.928M in the 2005/06 financial year representing all of the compensation due for that part of Lot 118 Mindarie west of Marmion Avenue.

In the event that the NPS and associated payments are wholly or partially completed prior to the commencement date for the new Regional Council, the compensation payments received from the WAPC will, in terms of the Establishment Agreement provisions, be dealt with as follows:

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

- (a) *is paid to the TPRC directly by the State; or*
- (b) *is paid by the Participant to the TPRC within 14 days of:*
 - (i) *the payment being received from the State by the Participant; or*
 - (ii) *the Operative Date;*
 - (iii) *whichever occurs later.*

The imminent settlement of the NPS does, therefore, raise the prospect that compensation payments for substantial amounts will be remitted direct to individual participants and will need to be retained by the participants in trust accounts awaiting the formal establishment of the Regional Council.

The Establishment Agreement submitted in draft form requires only minor amendments (as noted in the Agreement) before being engrossed in final form for signing by the participants. The plans referred to in the draft Agreement are to be more particularly prepared by Whelans, surveyors, for substitution of the currently included plans.

Resolutions by participant Councils authorising signing of the Establishment Agreement will facilitate early submission of the agreement to the Minister for Local Government & Regional Development.

CONSULTATION/ADVERTISING:

The formal consultation about proposals required through advertising of the Business Plan has been completed. Progressive consultation about proposals for the new Regional Council have been continuing with the Office of the Minister responsible for final approval of the Establishment Agreement.

LEGAL/POLICY:

The new Regional Council will be established under the Local Government Act 1995 and will provide the legal vehicle to facilitate urban development of land jointly owned by 7 local authorities. The local authority interests in each case will be preserved through the Establishment Agreement and participation in Regional Council decision-making through nominated representatives from each of the constituent Councils.

STRATEGIC IMPLICATIONS:

Development of Lot 118 will be consistent with the Town's Strategic Plan 2005-2010 as follows;

Key Result Area 3.2 - *"Develop business strategies that provide a triple bottom line return for the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

The cash flow projections that have been undertaken for the whole term of the development indicate that the seed funding from compensation payments will provide all of the capital required to commence planning and urban development.

On net present day values (NPV-2005) the likely positive cash flow for each ownership share will be in the order of \$11.5 million.

COMMENTS:

It will be possible, subject to Ministerial approval, for the Regional Council to be established and meet to conduct its regional purpose commencing early in 2006.

The Tamala Park Regional Council, through urban development in accordance with the objectives set out in the Establishment Agreement, will facilitate approximately 2,600 lots to be provided within the municipal district of the City of Wanneroo in the north-west corridor of the metropolitan region. The development will provide better utilisation of existing infrastructure and enhance catchment areas for ongoing provision of public facilities and services and for economic development of the corridor.

10.4.8 Proposed Lease Amendment with Mindarie Regional Council - Lot 118 Mindarie

Ward:	N/A	Date:	30 November 2005
Precinct:	N/A	File Ref:	PRO0739
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the lease rental for the amended Lease to Mindarie Regional Council to be \$510,294 effective from 1 January 2006;*
- (ii) *APPROVES the amended Lease of part Lot 118 Mindarie to the Mindarie Regional Council, effective from 1 January 2006; and*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to sign and seal the Agreement to vary the Lease between the owner Councils and Mindarie Regional Council and also to sign and seal the new Lease which is an annexure to the Agreement for Variation of Lease.*

COUNCIL DECISION ITEM 10.4.8

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

PURPOSE OF THE REPORT:

The purpose of this report is to advise final drafting of documents to bring about amendment of an existing lease of 252 hectares of Lot 118 Mindarie and for the Council to approve the amended lease.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 March 2005, the following resolutions were adopted;

"That the Council;

- (i) *ADOPTS the Business Plan as shown in Appendix 10.4.3(B) covering land issues affecting Lot 118 Mindarie, including the establishment of a Regional (Development) Council for approximately 166 hectares of Lot 118, for the purpose of advertising pursuant to Section 3.59 of the Local Government Act;*

- (ii) *APPROVES the draft Establishment Agreement for the (Tamala Park) Regional Council (TPRC);*
 - (iii) *APPROVES the proposals for lease adjustment with the Mindarie Regional Council (MRC) and the lease document, when available, be endorsed;*
 - (iv) *RESOLVES that the proposals for a Negotiated Planning Solution (NPS) with the West Australian Planning Commission (WAPC) regarding Bush Forever sites 322 and 323 be entered into an Agreement for endorsement by owner Councils; and*
 - (v) *NOTES the valuation components of Lot 118 Mindarie for the purpose of negotiations with the WAPC for compensation payments for land to be transferred under the NPS referred to in Clause (iii) above;*
 - (vi) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to negotiate the satisfactory conclusion of the matters detailed in this report; and*
 - (vii) *NOMINATES the following as the Council representatives to the Tamala Park Regional Council, when it is established;*
 - | | |
|-----------------------|---------------|
| <u>Elected Member</u> | <u>Deputy</u> |
| Mayor Catania | Cr Ian Ker* |
 - | | |
|----------------------------------|--------------------|
| <u>Non-Voting Representative</u> | |
| Chief Executive Officer | Executive Manager" |
- * *Changed at the Special Meeting of Council held on 17 May 2005 to Deputy Mayor (Cr Steed Farrell).*

A progress report was submitted to the Council at the Ordinary Meeting of Council held on 22 November 2005 and Council resolved as follows;

"That the Council;

- (i) *RECEIVES the Progress Report No. 2 on the Tamala Park Land, Lot 118 Mindarie; and*
- (ii) *NOTES;*
 - (a) *the progress of the formation of a Tamala Park Regional Council, as detailed in this report;*
 - (b) *the progress of the land development of Lot 118 Mindarie;*
 - (c) *the progress of the lease amendment for the Mindarie Regional Council; and*
 - (d) *that a further report concerning the various matters detailed in (a), (b) and (c) above, will be submitted to the Council for approval."*

DETAILS:

The Council has previously approved the advertising of a Business Plan dealing with a number of proposed land transactions affecting Lot 118 Mindarie.

Lot 118 Mindarie is jointly owned 7 local governments in the following shares:

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

The proposed land transactions included:

1. A reduction in lease area to Mindarie Regional Council (and other consequential adjustments);
2. The establishment of a Regional Council to undertake urban development of part of Lot 118 Mindarie;
3. A Negotiated Planning Solution (NPS) with the West Australian Planning Commission (WAPC) by which part of Lot 118 Mindarie would be transferred to the WAPC for compensation at agreed values;
4. A transfer of part of Lot 118 to the new Regional Council established for the purpose of effecting the urban development of part Lot 118 Mindarie.

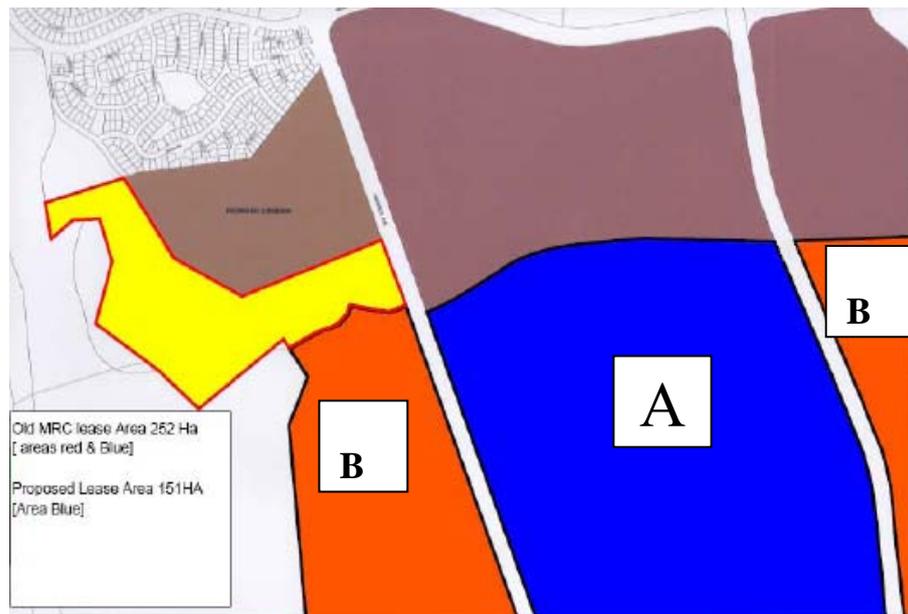
The Business Plan was advertised as required by Local Government Act provisions. After consideration of submissions, the Business Plan was adopted by all of the local government owner Councils.

In respect of the proposed lease amendment, the Mindarie Regional Council also advertised a Business Plan. The Mindarie Regional Council has formally adopted the Business Plan and has resolved to proceed to implement the Plan.

Having properly dealt with the requirement to prepare, advertise and consider submissions in response to a prepared Business Plan, the necessary action was then commenced to:

- Prepare an Establishment Agreement for the proposed new Regional (Development) Council.
- Prepare the necessary lease amendment.

The lease amendment was necessary in order to facilitate the land transfers necessary under the NPS with the WAPC.



Under the NPS, the parts of the existing lease to Mindarie Regional Council, which are marked 'B' on the plan will be transferred to the Crown leaving the residual area marked 'A' (the area between Marmion Avenue and Connolly Drive) as the revised lease area to the Mindarie Regional Council.

The amendment to the lease, in summary, addresses additional issues. The full effect of the lease amendment will bring about the following:

- A reduction in lease area from 252 hectares to 151.7 hectares;
- The introduction of good neighbour provisions to provide an understanding between the lessor and lessee in respect of the lessee's buffer requirements for a licence to operate a landfill;
- A recognition of the lease extension provisions by stipulating the extended expiry date as 2032;
- A change to the existing formula provision for lease rental to a market rental;

Lease Valuation

The existing lease rental is based upon a formula which calculates rental based upon the original value of the land, CPI adjusted, multiplied by the long-term bond rate. The derived annual rental from this calculation for the 2004/05 financial year is \$178,000. The Mindarie Regional Council, of its own volition, had proposed a figure of \$400,000 for 2005/06 assuming a transition to a market rental base. The figure of \$400,000 was based on a valuation obtained by Mindarie Regional Council in 2002.

A new valuation was jointly commissioned by the landowner CEO Group and the Mindarie Regional Council from the Valuer General in 2005.

The valuation for the proposed new lease area of 151.7 hectares was obtained in July 2005. The valuation indicated valuation components and rental consideration as outlined in the table below.

The full valuation is \$775,997 however, this valuation assumes all of the land is usable by Mindarie Regional Council whereas there are restrictions imposed upon occupational use as a consequence of aboriginal ethnographic and MRS reservations. There has also been a valuation made for the area of deferred urban land that constitutes the interim buffer that will be used by Mindarie Regional Council to satisfy its licence requirements. However, this buffer will not apply after 31 December 2010 and, in ordinary circumstances, would warrant only a notional addition to lease rental. In consequence, concessional factors, with valuation advice, have been applied to the restricted and buffer areas involved in the lease.

The concessional figures are contained in the valuation table below.

Valuation Components and Applicable Rental

Land Area	Hectares	Valuation per hectare	Total Valuation	Value @ 8.5%	Valuation Application	Value for Rent \$
Usable land	84.8341	45,000	3,817,534	324,490	100%	324,490
Lease area buffer + Aboriginal land	66.93	45,000	3,011,850	256,007	50%	128,004
Costs of operating licence			500,000	42,500	100%	42,500
Licence approvals urban deferred temporary buffer	40	45,000	1,800,000	153,000	10%	15,300
Rent at 8.5% (exc GST)	191,7641		9,129,384	775,997		510,294

It is understood that the Mindarie Regional Council will receive a report at its meeting on 8 December 2005 recommending agreement to the new lease consideration with recommendations to complete the lease document.

A summary of the proposed new lease is as follows:

1. A term expiring on 31 December 2032;
2. A starting rent (1 January 2006) of \$510,294;
3. Market rent reviews every 5 years;
4. CPI rent review annually (other than in market rent review years);
5. Statutory outgoings to be paid by Mindarie Regional Council;
6. Environmental liabilities existing before and after the lease term to be satisfied by Mindarie Regional Council;
7. Rehabilitation to be in accordance with best practice, lease provisions, environmental and planning law;
8. Permitted use – the carrying on of Mindarie Regional Council core business;
9. Public consultation – required where the extent or intensity of use is likely to impact the public interest;
10. Lessor consultation – as listed in (9) above and wherever reasonably required;
11. Termination – Mindarie Regional Council to remove all improvements and rehabilitate the site. The lessor may purchase improvements at an agreed price.

12. Rehabilitation on termination – Mindarie Regional Council must make good and rehabilitate for recreation and conservation. A plan to be approved by the Department of Environment with obligations extending past the lease expiry date;
13. Buffer recognition – the parties acknowledge a 500m buffer to landfill operations. Mindarie Regional Council is to progressively reduce the buffer and entirely eliminate the buffer by 31 December 2010;
14. Assignment of lease – requires lessor approval;
15. Sub-lease or licence – lessee may grant, but only for purpose consistent with the lessor's core business;
16. Insurance – public liability – a minimum \$20M – other normal insurances apply.

The original lease, and the amended lease, will comprise a land parcel which is a part of Lot 118 Mindarie. A plan of the proposed lease area is shown at Appendix 10.4.8.

The provisions of Section 20 of the Town Planning & Development Act require that where a part lot is a subject of lease, specific approval to the lease must be obtained from the WAPC. Ministerial endorsement is necessary.

The construction of the agreement to vary the lease (and the new lease, which is made an annexure to the agreement to vary) obviates the necessity for further special approval under Section 20 of the Town Planning & Development Act. This position has been certified by solicitors for the lessor and lessee and has also been checked with the Department of Planning and Infrastructure.

The NPS with the WAPC is imminent. The areas of land subject of the NPS have been agreed between the owner representatives and the WAPC. The WAPC has agreed to pay the owners valuation for the land to be transferred under the NPS. The amount of compensation to be paid by the WAPC is \$16.3M, which payment will be made progressively as surveys are completed for the individual land parcels subject of the NPS.

The major part of the compensation will relate to land west of Marmion Avenue comprising 120 hectares. The compensation payment relating to this land parcel is \$14.928M and the proposal is to have the payment made in 2 instalments prior to 30 June 2006.

If all of the owner Councils complete the NPS documents and also complete the documents required to effect the establishment of the new Regional (Development) Council, the payment for compensation by WAPC will provide the seed funding for the new Regional (Development) Council and the Establishment Agreement for the new Council contains a provision that requires payment of the compensation from the WAPC to the new Regional (Development) Council.

CONSULTATION/ADVERTISING:

Consultation has been completed through the Business Plan, previously adopted by this Council.

Because the participant landowners are also participants in the Mindarie Regional Council, it could be made unnecessary for the Mindarie Regional Council to refer the details of the lease changes to individual participants in the Mindarie Regional Council for specific approval if:

- the Mindarie Regional Council approves the changes;
- the Mindarie Regional Council advises its participant Councils that it will not seek a separate approval for lease changes in the event that the Councils signify that they have separately approved the lease as landowners; and
- the owner local governments signify to the Mindarie Regional Council that a separate referral of the lease amendment by Mindarie Regional Council to participant Councils is waived.

LEGAL/POLICY:

Legislative requirements have been satisfied through the structure of the lease document and appropriate references therein.

STRATEGIC IMPLICATIONS:

Development of Lot 118 will be consistent with the Town's Strategic Plan 2005-2010 as follows;

Key Result Area 3.2 - *"Develop business strategies that provide a triple bottom line return for the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

The amended lease will substantially increase lease rental. The reduction in lease area will facilitate completion of the NPS with payment of compensation to joint landowners.

COMMENTS:

Completion of the lease amendment with the Mindarie Regional Council will facilitate further land transactions with Lot 118 Mindarie leading to the development of approximately 165 hectares of urban land in the northern corridor, which will have significant impacts on optimum utilisation of existing infrastructure and the provision of new infrastructure.

10.4.9 Information Bulletin

Ward:	-	Date:	30 November 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 6 December 2005 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.9

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

DETAILS:

The items included in the Information Bulletin dated 6 December 2005 are as follows:

ITEM	DESCRIPTION
IB01	No. 35 (Lot 270) Fitzgerald Street, North Perth – Application for review Nos. DR 503 of 2005 and CC 2056 of 2005.
IB02	No. 14 (Lot 204) Auckland Street, North Perth – Additional Two-Storey with Loft Grouped Dwelling to Existing Single House and Demolition of Existing Garage and Two (2) Outbuildings – Review Matter No. DR 598 of 2005
IB03	Discussion Draft – A New Building Act for Western Australia – Letter from the Minister for Housing and Works, Heritage and Assisting in Planning and Infrastructure
IB04	Discussion Paper – Towards a Biodiversity Conservation Strategy for WA – Letter from Department of Conservation and Land Management
IB05	DR 471 of 2005 – Letter from Simon J Bain
IB06	Register of Heritage Places – Letter from the Heritage Council (17 Lindsay Street, Northbridge)
IB07	Register of Heritage Places – Letter from the Heritage Council (North Perth Primary School, North Perth)
IB08	Register of Petitions - Progress Report - December 2005

ITEM	DESCRIPTION
IB09	Register of Notices of Motion - Progress Report - December 2005
IB10	Register of Reports to be Actioned - Progress Report - December 2005
IB11	Register of Legal Action
IB12	Register of State Administrative Tribunal Appeals
IB13	Forum Notes - 15 November 2005
IB14	Notice of Forum - 13 December 2005
IB15	Email from Valerie Elkington re: Garden Awards Presentation Night

10.1.17 Nos. 81-85 (Lot 4 D/P: 32573, Lot 2 D/P: 32573, Strata Lot 2 of Lot 39 STR: 11634) Walcott Street, Corner Raglan Road, Mount Lawley- Proposed Demolition of Existing Vehicle Sales Premises and Construction of a Three-Storey Mixed Use Development Comprising Twenty One (21) Multiple Dwellings, Four (4) Shops, One (1) Eating House, Two (2) Offices and Associated Carparking

Ward:	South	Date:	30 November 2005
Precinct:	Norfolk, P10; and Mount Lawley Centre, P11	File Ref:	PRO1140; 5.2005.3172.1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 APPROVES the application submitted by Colliere Menkins Pickwell Architects on behalf of the owner J W & P & P A Allpike for proposed Demolition of Existing Vehicle Sales Premises and Construction of a Three-Storey Mixed Use Development Comprising Twenty One (21) Multiple Dwellings, Four (4) Shops, One (1) Eating House, Two (2) Offices and Associated Carparking, at Nos.81 -85 (Lot 4 D/P: 32573, Lot 2 D/P: 32573, Strata Lot 2 of Lot 39 STR: 11634) Walcott Street, corner Raglan Road, Mount Lawley, and as shown on plans stamp-dated 28 November 2005, subject to the following conditions:*
- (a) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (b) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (c) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (d) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
 - (e) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (f) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Raglan Road and Walcott Street verges adjacent to the subject property, and a minimum of one (1) tree per four (4) uncovered car parking bays, 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);*

- (g) *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);*
- (h) *doors, windows and adjacent floor areas fronting Walcott Street and Raglan Road shall maintain an active and interactive relationship with these streets;*
- (i) *the maximum gross floor area for the retail and office uses shall be limited to 342 square metres and 164 square metres, respectively and the maximum public floor area for the eating house use shall be limited to 51 square metres, unless adequate car parking is provided for the changes in floor space area;*
- (j) *subject to first obtaining the consent of the owners of No. 87 Walcott Street and No. 2 Raglan Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 87 Walcott Street and No. 2 Raglan Road in a good and clean condition;*
- (k) *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 \$4935 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;*
- (l) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (m) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (n) *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;*
- (o) *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);*
- (p) *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;*
- (q) *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;*
- (r) *sound attenuation measures being undertaken on the sliding 'secure access gate';*
- (s) *the sliding gate to the car park facing Raglan Road shall be visually permeable, with a minimum 50 per cent transparency;*
- (t) *on-site parking for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (u) *the office/non-residential car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (v) *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;*
- (w) *prior to the first occupation of the development, three (3) class 1 or 2 and four (4) 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;*

- (x) *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;*
- (y) *prior to the first occupation of the development, appropriate street furniture, including the provisions of 3 bins and a bench shall be installed adjacent to the development. These works shall be undertaken to the specifications of and supervised by the Town, at the applicant's/owner(s)' full expense;*
- (z) *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 (\$25,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$25,000, 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); and*
- (aa) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (1) *all terraces 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 may be considered as an open side;*
 - (2) *the maximum height of the western fence along Raglan Road being 1.8 metres with the solid portion being a maximum height of 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*
 - (3) *the corner component of the development incorporating design elements with a vertical emphasis to define and accentuate the corner and create a landmark feature without increasing the height or plot ratio of the development.*

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

- (ii) *the Council ADVISES the applicant that the Department for Planning and Infrastructure has advised as follows:*

"The subject land is affected by a land requirement for the future upgrading of Walcott Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The attached extract of the WAPC Plan No. 1.3155/1 defines the land requirement for the ORR.

It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of widening the ORR.

You are advised to contact WAPC - Land Asset Management Branch of the Department for Planning and Infrastructure should you wish to discuss early purchase of the affected land by the Western Australian Planning Commission."

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Torre

That new (i)(aa)(4) be added as follows:

"(i)(aa) (4) modulation and articulation to the western half of the Raglan Road elevation to show greater sympathy with the fine grain of the Raglan Road streetscape."

Debate ensued.

AMENDMENT CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

Moved Cr Chester, Seconded Cr Torre

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

"(i) (ab) prior to the first occupation of the development and subject to first obtaining the consent of the owners of No. 7 Raglan Road, appropriate plants and/or landscaping shall be planted adjacent to No. 7 Raglan Road to assist in alleviating the impact of headlights into the subject property. These works shall be undertaken in consultation with the Town and at the applicant's/owner(s)' full expense."

AMENDMENT CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

Moved Cr Maier, Seconded Cr Chester

That clauses;

1. *(i)(n) be deleted and the remaining clauses renumbered;*
2. *(i)(m) be amended to read as follows:*

"(i)(m) 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:

- (1)** *proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*

(2) (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.

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development."

Debate ensued.

AMENDMENT CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

MOTION AS AMENDED CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Mayor Catania was absent from the Chamber as he was carrying out Civic duties - he did not vote.)

COUNCIL DECISION ITEM 10.1.17

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Colliere Menkins Pickwell Architects on behalf of the owner J W & P & P A Allpike for proposed Demolition of Existing Vehicle Sales Premises and Construction of a Three-Storey Mixed Use Development Comprising Twenty One (21) Multiple Dwellings, Four (4) Shops, One (1) Eating House, Two (2) Offices and Associated Carparking, at Nos.81 -85 (Lot 4 D/P: 32573, Lot 2 D/P: 32573, Strata Lot 2 of Lot 39 STR: 11634) Walcott Street, corner Raglan Road, Mount Lawley, and as shown on plans stamp-dated 28 November 2005, subject to the following conditions:*
- (a) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (b) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (c) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (d) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (e) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (f) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Raglan Road and Walcott Street verges adjacent to the subject property, and a minimum of one (1) tree per four (4) uncovered car parking bays, 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);*
- (g) *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);*
- (h) *doors, windows and adjacent floor areas fronting Walcott Street and Raglan Road shall maintain an active and interactive relationship with these streets;*
- (i) *the maximum gross floor area for the retail and office uses shall be limited to 342 square metres and 164 square metres, respectively and the maximum public floor area for the eating house use shall be limited to 51 square metres, unless adequate car parking is provided for the changes in floor space area;*
- (j) *subject to first obtaining the consent of the owners of No. 87 Walcott Street and No. 2 Raglan Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 87 Walcott Street and No. 2 Raglan Road in a good and clean condition;*
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- (l) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*

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This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

- (n) *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);*
- (o) *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;*
- (p) *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;*
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- (s) *on-site parking for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (t) *the office/non-residential car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

- (u) *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;*
- (v) *prior to the first occupation of the development, three (3) class 1 or 2 and four (4) 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;*
- (w) *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;*
- (x) *prior to the first occupation of the development, appropriate street furniture, including the provisions of 3 bins and a bench shall be installed adjacent to the development. These works shall be undertaken to the specifications of and supervised by the Town, at the applicant's/owner(s)' full expense;*
- (y) *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 (\$25,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$25,000, 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); and*
- (z) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (1) *all terraces 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 may be considered as an open side;*
 - (2) *the maximum height of the western fence along Raglan Road being 1.8 metres with the solid portion being a maximum height of 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;*
 - (3) *the corner component of the development incorporating design elements with a vertical emphasis to define and accentuate the corner and create a landmark feature without increasing the height or plot ratio of the development; and*
 - (4) *modulation and articulation to the western half of the Raglan Road elevation to show greater sympathy with the fine grain of the Raglan Road streetscape.*

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

- (aa) *prior to the first occupation of the development and subject to first obtaining the consent of the owners of No. 7 Raglan Road, appropriate plants and/or landscaping shall be planted adjacent to No. 7 Raglan Road to assist in alleviating the impact of headlights into the subject property. These works shall be undertaken in consultation with the Town and at the applicant's/owner(s)' full expense; and*
- (ii) *the Council ADVISES the applicant that the Department for Planning and Infrastructure has advised as follows:*

"The subject land is affected by a land requirement for the future upgrading of Walcott Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The attached extract of the WAPC Plan No. 1.3155/1 defines the land requirement for the ORR.

It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of widening the ORR.

You are advised to contact WAPC - Land Asset Management Branch of the Department for Planning and Infrastructure should you wish to discuss early purchase of the affected land by the Western Australian Planning Commission."

ADDITIONAL INFORMATION 1:

It is considered that the Town's Policy relating to Non-Residential/ Residential Interface does not explicitly require modulation and articulation of the proposed building in the context of the existing streetscape. Notwithstanding this, the applicants have attempted to demonstrate building articulation via the feature windows on the ground floor, variations to canopy materials, variations to building materials and the horizontal staggering of the setbacks. It is noted that the Town's Policy relating to the Mount Lawley Centre Precinct requires a minimum of 40 per cent of the façade to be glazed and mandatory nil setbacks to street reserves and encourages commercial uses on the ground floor and three storeys for corner lots.

ADDITIONAL INFORMATION 2:

In a response to the 'Officer Recommendation' and report of the subject planning application, an additional submission has been received by the residents of No.7 Raglan Road, Mount Lawley on 6 December 2005. The submission raised concerns regarding the lack of notice of the Council Meeting, the undue impact of the vehicle headlights into the submitters' property and other matters as verbatim below:

"1) Traffic

The average weekday traffic figures used are already 5 years old and estimated increases appear to be very conservative ie 30 cars per day in 5 years. In addition, the Traffic Impact Study has not addressed what we consider to be the primary issue. It only covers the Raglan Road west of the carpark section and suggests that there will be an increase of 105 vehicles per day. While this may be within acceptable limits according to Council, we believe that the real danger of this development lies in the bottle neck that is created from the entrance to Raglan Road from Walcott to the Fresh Provisions car park. As the applicant was allowed a significant parking adjustment due to the proximity to this car park, it would be reasonable to assume that both residents with multiple vehicles and visitors as well as customers to the offices, shops and restaurant will use it. As residents of the street for the past 4 years, we have

noted the bottle neck at the entrance of Raglan Road from Walcott Street is already dangerous at all times of the day and has been getting steadily busier as each year goes by (possibly due to the popularity of the area and Flying Scotsman etc increasing). In our opinion the issue is that as the entrance is very narrow, it is very difficult for cars to enter and exit the car park at the same time, which means one car waiting while the other enters or exits. This causes a back up of traffic to Walcott Street and is already dangerous and will just get worse as of course cars wanting to continue down Raglan also have to wait. One solution could be that if the entrance to the car park was widened to allow ease of entry and exit then it may alleviate this issue. Backing up of cars onto Walcott is just asking for an accident to happen, particularly when the perhaps conservative estimate of 105vpd increase will occur.

2) Residents Only Parking on Raglan Road

This suggestion was not supported on the basis that it had "never been raised before" and that parking has not been a contentious issue in the street. I can confirm that the issue of parking has most certainly been raised before, both to the Ranger on a number of occasions as well as directly to the Council (particularly in relation to the Peugeot dealer). It may have not been aggressively raised before by many residents as there has not been a proposal of an additional 21 residences, 4 shops, 2 offices and 1 restaurant, which will certainly exacerbate the issue, hence the residents have now proposed a solution in the form of residents only parking. The fact that this issue has only just been raised seems more than reasonable given the proposal. It has been noted that a condition of the development is that residents of the new apartments will not be able to apply for resident or visitor parking passes - this in conjunction with the street being residents only, will be the ideal solution for the street as it will prevent customers and visitors using it. This should be acceptable to council given that the street parking was removed from the adjustment factor as well. As residents and visitors of the apartments would no doubt use the street for parking anyway, the suggestion of increasing time restrictions and giving residents exemptions would provide little if any relief."

In respect of the suggestion to widen the Town's car park entrance off Raglan Road, the existing width is 6.0metres, which exceeds the requirements of AS 2890-1:2004 for Off-Street Parking. The issue with vehicles queuing to enter/exit the Raglan Road Car Park will be further investigated by the Town's Technical Services Officers and if considered warranted possible access improvements to the Raglan Road carpark will be recommended for consideration in the 2006/2007 Draft Budget.

The Town's Ranger Services have advised that the limited number of complaints received about parking in Raglan Road have generally related to employees of the car yard (which is soon to be demolished as part of this development) and specific issues such as vehicles obstructing access.

While the development may in all likelihood place more pressure on the existing on-road parking spaces in Raglan Road, it has been suggested this can be addressed by investigating the implementation of parking restrictions rather than parking exclusions with qualified residents being eligible for exemptions. This is the current practice for the majority of roads in the Beaufort Street and Walcott Street mixed use areas.

In relation to the 'headlights' issue, the Town's Parks Services have advised that there are opportunities for planting adjacent to No. 7 Raglan Road that may assist in alleviating this issue. Accordingly, an 'Amended Recommendation' has been prepared to address this matter.

Landowner:	J W & P & P A Allpike
Applicant:	Colliere Menkins Pickwell Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Lots 2 and 4 - District Centre (R80); Strata Lot 2 - Residential R60
Existing Land Use:	Vehicle Sales Premises
Use Class:	Multiple Dwelling, Shop, Eating House, Office Building
Use Classification:	District Centre- "AA", "P", "P", "P" Residential - "P", "SA", "SA", "SA"
Lot Area:	2083 square metres (proposed site area due to northern boundary realignment - 2046 square metres)
Access to Right of Way	West side, 4.0 metres wide, sealed, Crown-owned

BACKGROUND:

The Council at its Ordinary Meeting held on 27 April 1999 conditionally approved a planning application for demolition of existing building and additions and alterations to existing vehicle sales premises.

DETAILS:

The proposal involves demolition of existing vehicle sales premises and construction of a three-storey mixed use development comprising twenty one (21) multiple dwellings, four (4) shops, one (1) eating house, two (2) offices and associated carparking, 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	15.5 multi-bedroom multiple dwellings, or 23.3 single bedroom multiple dwellings, or 13 single bedroom multiple dwellings and 7 multi-bedroom multiple dwellings, or 12 single bedroom multiple dwellings and 8 multi-bedroom multiple dwellings. Lots 2 and 4 - R80 Strata Lot 2 - R60	13 single bedroom and 8 multi-bedroom multiple dwellings R 78.2 8.9 per cent density bonus	Supported – minor variation in this instance that can be considered under Clause 20(2)(c) of TPS No.1, which allows consideration of a density bonus of up to a 50 per cent where the proposal removes all existing vehicular access to and from a district distributor road (in this instance, Walcott Street).

Plot Ratio	0.7 applied to Strata Lot 2 - 174 square metres 1.0 applied to Lots 2 and 4 - 1611 square metres. Total plot ratio area - 1785 square metres	0.76 - 1552 square metres -excludes ground floor storerooms and balconies which are open on two sides or have been conditioned to be open on two sides (privacy screens which are 1.6 metres high and of obscure glazing are considered to be open)	Supported - no variation.
Storerooms	Minimum area of 4 square metres	8 of the single bedroom storerooms - 3.5 square metres	Supported- minor variation in this instance and reduced size storerooms are considered adequate for future residents given there is likely to be less occupants and need to store 'bulkier' equipment/goods tools for single bedroom multiple dwellings.
Setbacks (Strata Lot 2)			
Ground Floor - North	1.5 metres	Nil	Supported- refer to 'Buildings on Boundary'. Supported- setback provides continuity in the streetscape.
- East	4.0 metres	2.2 metres (road widening area)	
First Floor - North (communal open space area)	6.6 metres (or 3.0 metres if communal open space is screened to full height)	5.47 metres	Supported- minor variation in the instance, no undue impact on neighbour and screening to full height would increase bulk of building. Supported- as above.
- North (spa area)	2.8 metres (or 1.2 metres if screened to full height)	1.0 metre	
- East (spa area)	6.0 metres	2.2 metres (road widening area)	

Buildings on Boundary (North)	One boundary wall is permitted behind setback area for 66.6% length of boundary.	One boundary wall in front setback area for 80 % length of boundary.	Supported- no undue impact on neighbour in terms of overshadowing and visual bulk. Also noted wall that is of similar height to standard dividing fence, as measured from natural ground level.
Pedestrian Access	Where multiple dwellings are served by stairs only, stairs are provided so that for normal access purposes no more than two dwellings at each floor are served by each staircase.	Ground floor stairs- serves 22 dwellings. First floor stairs- serves 4, 4 and 5 dwellings respectively.	Supported- proposed pedestrian access meets the relevant BCA requirements.
Vehicular Access	To be provided from right of way.	From right of way and Raglan Road.	Supported- having all vehicular from the right of way is considered to have an undue impact on adjacent residential dwellings in this instance.
Car parking Location	Not to be within street setback area unless provided with minimum 1.5 metre landscaping buffer.	Part of car parking within street setback area.	Supported- no undue impact on streetscape and minor variation in this instance as car parking within street setback area is 7.5 per cent of the Raglan Road frontage.
Landscaping	10 per cent of site area.	Approximately 3 per cent of site area.	Supported- refer to 'Comments'.

Consultation Submissions

While 13 submissions received raised specific concerns with the proposal, 6 of the submissions also provide supporting comments, as detailed below.

Support	<ul style="list-style-type: none"> Enjoys the convenience and proximity of shops and commercial development and 'understands things change' Mix- use proposal has significant merits and is generally supported over the current use of the site 	
	<ul style="list-style-type: none"> Generally, no objections to proposal and supports the proposal in principle Attractive building Vehicular access from both right of way and Raglan Road preferred over all vehicular access from right of way 	Noted.

	<ul style="list-style-type: none"> No objections to storeroom variation No objections to pedestrian access variation Beautiful building which has considered the privacy and delicacy of the adjoining heritage listed property Building will enhance area. 	
Objection/ Issues Raised	<ul style="list-style-type: none"> Additional traffic on Raglan Road and its impact Traffic, noise and safety issues as a result from additional vehicular access through the right of way 	Refer to 'Comments' (Technical Services).
	<ul style="list-style-type: none"> Landscaping Setbacks Non- residential/residential interface has not been addressed 	Refer to 'Comments'.
	<ul style="list-style-type: none"> Density Area of storerooms Length of boundary wall Pedestrian access Car parking location 	Refer to 'Officer Comments' under 'Non-Compliant Requirements'.
	<ul style="list-style-type: none"> Parking 	Not supported- parking is compliant in accordance with R-Codes and Town's Policy relating to Parking and Access.
	<ul style="list-style-type: none"> Height 	Not supported- height is in accordance with Town's Policy relating to the relevant Precinct and Locality Plan.
	<ul style="list-style-type: none"> Effect of proposed electronic gates 	Supported – matter has been conditioned accordingly.
	<ul style="list-style-type: none"> Noise pollution 	Noted- development will be required to comply with Western Australian Environmental Protection (Noise) Regulations 1997.
	<ul style="list-style-type: none"> Headlights into adjacent residents 	Not supported- not considered to have an undue impact on the opposite neighbours. Furthermore, driveway is for the most part opposite a garage/brick fence wall.

	<ul style="list-style-type: none"> Rubbish bin placement and rubbish trucks in the right of way will be disruptive 	Noted- amended plans have addressed this matter to the satisfaction of the Town's Technical Services. Furthermore, proposed rubbish collection is to be from Raglan Road.
	<ul style="list-style-type: none"> Privacy 	Not supported – amended plans comply with privacy provisions of R-Codes, where it abuts residential zoned properties.
	<ul style="list-style-type: none"> Number of one bedroom dwellings in relation to two bedroom dwellings 	Not supported- proposal is considered to promote housing affordability and diversity and caters for the changing demographics and housing needs/wants of the community.
	<ul style="list-style-type: none"> Pollution, vermin and cockroaches 	Noted- development will be required to comply with Health Act 1911.
	<ul style="list-style-type: none"> Loss of street ambience 	Not supported- proposal not considered to have undue impact on street ambience.
	<ul style="list-style-type: none"> Proposed uses and design and scale of building are not considered to be appropriate for area 	Not supported- uses, design and scale considered to be appropriate for the 'District Centre' zoning. Furthermore, refer to 'Comments'.
	<ul style="list-style-type: none"> Residential use and interface uses is more appropriate along Raglan Road at ground floor level 	Not supported- proposed ground floor commercial uses and upper floor residential uses considered to be appropriate for the 'District Centre' zoning. Furthermore, refer to 'Comments'.
	<ul style="list-style-type: none"> Indicative art is disruptive to drivers 	Not supported- not a major planning consideration.

	<ul style="list-style-type: none"> On- street parking and car parks should not be included in car parking calculations 	Supported in part- on-street car parking has been excluded from 'adjustment factors' and public car parks have been included in adjustment factors, in accordance with the Town's Policy relating to Parking and Access.
	<ul style="list-style-type: none"> Pedestrian access facilities and address and entry points 	Not supported-proposed pedestrian access is considered acceptable.
	<ul style="list-style-type: none"> Operating hours of proposed shops have not been presented 	Noted- however, details of prospective tenants are unknown at this stage.
	<ul style="list-style-type: none"> Additional impact on drainage/sewerage system 	Noted- drainage/sewerage system will require approval of the Water Corporation.
	<ul style="list-style-type: none"> Consultation has not been wide enough 	Not supported- proposal was advertised in accordance with the Town's Policy relating to Community Consultation.
	<ul style="list-style-type: none"> Requirement for more bin provision 	Supported- matter has been conditioned accordingly via street furniture.
	<ul style="list-style-type: none"> Damage to adjacent properties 	Not supported – not a major planning consideration, and is a civil mater.
	<ul style="list-style-type: none"> Provision of weather protection 	Supported- weather protection has been proposed along both Streets.
Other Comments/ Issues Raised	<ul style="list-style-type: none"> Entrance and exit to be from Walcott Street Introduction of 'cut in area' for cars to enter complex from Walcott Street Raglan Road parking to be residents only Requests Grosvenor Road/Hutt Street be 'opened' and bollards be installed in right of way Concern regarding the parking of construction vehicles and trucks during construction period 	Refer to 'Comments' (Technical Services). Noted- has been/will be addressed via standard conditions/ requirements.

	<ul style="list-style-type: none"> Suggestion of clause that commercial car bays can be used by tenants during out of hours periods and weekends 	
	<ul style="list-style-type: none"> Concern regarding impeded pedestrian access, construction noise and dust during construction. 	Noted - refer above.
	<ul style="list-style-type: none"> Requests exhaust and air-conditioning to face Walcott Street and at the front 	Not supported- however, matter has been conditioned to comply with Town's requirements relating to external fixtures.

Schedule of Submissions

(only detailed where permission has been granted for public release by author)

No.	Author Name	Affected Property	Date Received	Submission Type
1.	Anonymous	-	28/10/05	Non- form submission
2.	L and D Fardoe	9 Raglan Road, Mount Lawley.	2/11/05	Submission form and non- form submission
3.	Anonymous	-	3/11/05	Non- form submission
4.	Anonymous	-	9/11/05	Submission form and non- form submission
5.	Anonymous	-	9/11/05	Submission form and non- form submission
6.	S Van Coevordon	19 Raglan Road, Mount Lawley.	10/11/05	Submission form and non-form submission (minutes of meeting held by Raglan Road Action Group)
7.	J Fitzpatrick (Chair of Norfolk Precinct Group)	-	10/11/05	Non-form submission
8.	J and A Bruechert	15 Raglan Road, Mount Lawley.	11/11/05	Submission form and non- form submission
9.	Anonymous	-	11/11/05	Submission form
10.	Anonymous	-	14/11/05	Submission form and non- form submission
11.	D Patterson and G Peberdy	7 Raglan Road, Mount Lawley	15/11/05	Submission form and non- form submission
12.	D Morgan	3 Raglan Road, Mount Lawley	15/11/05	Submission form and non- form submission
13.	H Cufrie	33 Raglan Road, Mount Lawley	16/11/05	Submission form
14.	Department for Planning and Infrastructure	N/A	12/10/05	Letter-advised it has no objections to the subject proposal, subject to applicant/owner being advised of Clause (ii) of the Officer Recommendation.

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) <ul style="list-style-type: none"> • Retail (342 square metres) – 22.80 car bays • Office (164 square metres) – 3.28 car bays • Eating house (51 square metres)- 11.33 car bays 	37 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 400 metres of a car park with excess of 50 car parking spaces) • 0.80 (contains mix of uses, with at least 45 per cent of gross floor area being residential) • 0.90 (provision of ‘end of trip’ facilities) • 0.90 (within District Centre zone) 	(0.44064) 16.30 car bays
Minus the car parking provided on-site for commercial component	16
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop a vacant site.
Resultant shortfall	0.30 car bay**
Bicycle Parking Facilities	
<p>Retail</p> <ul style="list-style-type: none"> • 1 per 300 square metres gross floor area for employees (class 1 or 2)- 1.14 spaces • 1 space per 200 square metres for visitors (class 3)- 1.71 spaces <p>Office</p> <ul style="list-style-type: none"> • 1 per 200 square metres gross floor area for employees (class 1 or 2)- 0.82 space • 1 space per 750 square metres over 1000 square metres for visitors (class 3)- nil <p>Eating House</p> <ul style="list-style-type: none"> • 1 per 100 square metres public area for employees (class 1 or 2)- 0.6 space • 2 spaces plus 1 space per 100 square metres public area for visitors (class 3)- 2.6 spaces 	Plans indicate bicycle parking area, matter has been further conditioned accordingly.

* 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.

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

COMMENTS:

Demolition

The proposed demolition of the existing buildings on-site is considered acceptable.

Technical Services Comments - Traffic and Access

The Traffic Impact Study suggests that the greatest impact of the proposed development will be on the residential portion of Raglan Road to the west of the Raglan Road carpark entrance (and by association Grosvenor Road) with a predicted increase in average weekday traffic of 23 per cent. However, given that the average weekday traffic was coming off a relatively low base of 427 vehicles per day (vpd) in 2001, and currently estimated to be 460 vpd, this equates to a predicted increase of 105 vpd to a maximum 565 vpd and, therefore, well within the limits for an access road. A majority of the additional daily trips generated by the development would be via Raglan Road to Walcott Street, particularly the left turn into Walcott Street for destinations north and west of the development and to a lesser extent south or city bound via William Street.

Reopening Raglan Road at the intersection of Hutt Street, as has been suggested, would not be desirable. It would have a substantial impact on traffic volumes in Raglan Road, as it would provide a direct link between William and Walcott Streets and an alternate access to the Mount Lawley Centre Precinct, directly impacting upon the amenity of the residents.

In respect of the suggestion for 'Residents Only Parking' in Raglan Road, west of the carpark entrance, to date parking congestion has not been a contentious issue and given the areas proximity to the Mount Lawley Centre Precinct, it could be expected that it should have been raised before now. However, it would be recommended that in preference to 'Residents Only Parking' that the existing time restrictions be extended and that residents would be eligible for exemptions as per the Town's current Policy.

With regard to the requests for vehicle access to be off Walcott Street and to provide a 'cut-off' area (interrupted to mean a left turn slip lane), for vehicles entering the development from Walcott Street, it is considered that an access point from Walcott Street is undesirable, a view supported by the Traffic Impact Study. Walcott Street is classified as a District Distributor A road, has a posted speed limit of 60 kph and carries in excess of 19,000 vpd. The site of the proposed development is located at the bottom of a localised 'dip' or low point and in close proximity to a major signalised intersection. Therefore, whilst sight distances are generally good, there is a significant variation in the speed of traffic in Walcott Street depending on the phase of the traffic signals and time of day, that is peak periods. An access point off Walcott Street would essentially operate as a new intersection catering for some 400 plus vehicle movements per day. Given its likely close proximity to the existing Raglan Road intersection, it increases the potential for conflicting traffic movements within a short space. Further, it would also impact upon pedestrian movement in Walcott Street as vehicles exiting the development, particularly those turning right, would completely obstruct the footpath when awaiting an opportunity to enter the traffic stream.

Landscaping

The reduction or waiving of the landscaping requirement may be considered in accordance with the Town's Policy relating to the Mount Lawley Centre Precinct, where the applicant installs street furniture, installs public art or establishes and maintains trees within the on-site car parking area.

In this instance, it is noted that the proposal has provided an adequate and functional area of communal open space for the prospective residents and that due to the required nil setback to the road reserve, any further landscaping to be provided is unlikely to be seen from the street and therefore, ineffective for its main purposes.

On the above basis, the variation to landscaping is supported on the basis that the applicant is required to contribute to the Town's Percentage for Art Scheme, the upgrading of the adjacent footpath, some planting within the car parking area and it has been conditioned that the applicant provides street furniture. The Town's Technical Services have advised that 3 bins for public use and a bench is appropriate for street furniture.

Setbacks

In relation to the northern and eastern setbacks, these matters have been addressed in the Assessment Table above. In relation to all other proposed setbacks, including the southern Raglan Road setback and the eastern Walcott Street, these setbacks are considered to appropriate in a District Centre zoning and compliant with the provisions of the Town's Policy relating to the Mount Lawley Centre Precinct.

Non- Residential/Residential Development Interface

In giving consideration to the subject site 'District Centre' zoning, inner city location and the general encouragement of the R- Codes and the Town's Policy relating to Mount Lawley Centre Precinct to promote both a diverse range of inner city housing and mixed use development, it is considered that the development proposal has adequately addressed the Town's Policy relating to Non-Residential/Residential Development Interface and displays an appropriate building scale, mix of uses, and development intensity, which will not have an undue impact on the amenity and streetscape of the area. Notwithstanding this, it is considered that the corner should be better defined and accentuated to give the building prominence via design features with a vertical emphasis and as such, this matter has been conditioned accordingly.

Summary

In general, the proposal is considered to enhance and improve the streetscape and surrounding area through the redevelopment of an under-utilised site and to have adequately addressed the Town's requirements and objectives for the area.

The planning application is therefore 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.

Mayor Catania returned to the Chamber at 7.41pm and assumed the Chair. Mayor Catania advised that Item 11.2, which had been held over until his return, would be the next Item to be considered.

11.2 Motion to Revoke or Change a Council Decision Relating to Nos.14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P: 2503 and 104 D/P: 2503), Woodstock Street, Corner Flinders Street, Mount Hawthorn - Proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises

That;

- (i) *as required by the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council CONSIDERS the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report, before voting on a Motion to revoke or change a decision of the Council;*
- (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 resolves to REVOKE the resolution adopted by the Council at its Ordinary Meeting held on 22 November 2005 (Item 10.1.7);*
- (iii) *Councillor MOVES a motion to REVOKE the decision by deleting the following:*

"That;

in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by North Metropolitan Area Health Service on behalf of the owner Crown for proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises, at No(s)14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P:2503 and 104 D/P:2503) Woodstock Street, corner Flinders Street, Mount Hawthorn and as shown on plans stamp-dated 21 September 2005, subject to:

- (i) *this approval for Institutional Building is for a period of 3 years only;*
- (ii) *prior to the first occupation, a community reference group, comprising residents and representatives from the Health Department and the Town of Vincent, be formed to manage/deal with any community concerns or complaints;*
- (iii) *no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility;*
- (iv) *a management plan shall be prepared and submitted to the satisfaction of the Town and be implemented as from the first occupation of the development and thereafter maintained;*
- (v) *the outdoor living area to the north of the building shall be designated a smoke free zone and have an 8pm curfew;*

- (vi) *detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the commencement of works;*
- (vii) *any new street/front wall, fence and gate between the Woodstock Street and Flinders 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;*
- (viii) *a maximum of fourteen (14) staff members and twenty(20) patients are permitted to be at the premises at any one time;*
- (ix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Woodstock Street and Flinders Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (x) *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;*
- (xi) *prior to the first occupation by a resident of the facility, the Health Department undertakes community information and discussion session to respond to community concerns and to inform the community as to the nature and scope of the facility;*
- (xii) *any overlooking issues with adjoining neighbours to the north of the facility are adequately addressed prior to the occupation of the facility; and*
- (xiii) *there being a minimum of four (4) staff members on site at all times."*

- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillors Chester, Doran-Wu and Farrell, being one third of the number of offices of members of the Council, SUPPORT this motion; and*
- (v) *the Council APPROVES BY AN ABSOLUTE MAJORITY of the following:*
- "(a) *DEFERS the application submitted by North Metropolitan Area Health Service on behalf of the owner Crown for proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises, at No(s)14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P:2503 and 104 D/P:2503) Woodstock Street, corner Flinders Street, Mount Hawthorn and as shown on plans stamp-dated 21 September 2005; and*
- (b) *REQUESTS the Department of Health to carry out further community consultation and provide further information to the community, to the satisfaction of the Town's Chief Executive Officer, prior to the matter being reconsidered by the Council."*
-

COUNCIL DECISION ITEM 11.2

Moved Cr Farrell, Seconded Cr Doran-Wu

That the motion be adopted.

Debate ensued.

Cr Farrell moved the motion to revoke the decision of Council of 22 November 2005 as stated in clause (iii).

Debate ensued.

The Chief Executive Officer advised that the Mayor had been speaking for five (5) minutes.

Moved Cr Chester, Seconded Cr Torre

That the Mayor be permitted to continue speaking for a further five (5) minutes.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

That the motion be DEFERRED to the Ordinary Meeting of Council to be held on 14 February 2006 for the following reasons:

1. *to allow for the Department of Health to carry out further consultation with the local community;*
2. *to request the Department of Health to submit a revised and scaled down proposal to the Town; and*
3. *to allow all Councillors to be present when the matter is further considered.*

CARRIED (5-2)

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

(Crs Ker and Messina on leave of absence.)

STATEMENT OF IMPACT:

In accordance with the Town's Standing Orders, the Chief Executive Officer is required to prepare a "Statement of Impact" of the legal and financial consequences of the proposed revocation or change.

1. Legal Consequences

There are no legal implications which may result from the change of the Council decision.

2. Financial Consequences

There are no financial implications that may result from this decision.

The Minutes for the Ordinary Meeting of Council held on 22 November 2005 were not finalised until Tuesday 29 November 2005 and as such, implementation of the decision has not been actioned prior to this time.

10.1.13 No. 121 (Lot 27 D/P: 2878) Scarborough Beach Road, Mount Hawthorn - Proposed Change of Use from Consulting Rooms to Shop (Hair Dressing and Beauty Salon) and Associated Alterations and Signage

Ward:	North	Date:	30 November 2005
Precinct:	Leederville; P03	File Ref:	PRO1134; 5.2005.3243.1
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 REFUSES the application submitted by L Gibson on behalf of the owner I Vasev for proposed Change of Use from Consulting Rooms to Shop (Hairdressing and Beauty Salon) and Associated Alterations and Signage, at No. 121 (Lot 27 D/P: 2878) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 28 October 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policy relating to Scarborough Locality and the objectives of the Town Planning Scheme No.1; and*
- (iii) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 8.25pm.

Cr Farrell returned to the Chamber at 8.27pm.

Moved Cr Doran-Wu, Seconded Cr Farrell

That the Item LIE ON THE TABLE to allow the applicant to further discuss their application with the Town's Officers.

CARRIED (4-3)

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

(Crs Ker and Messina on leave of absence.)

ADDITIONAL INFORMATION:

The applicant has provided a letter of justification for the application, a petition in support of the application signed by 16 neighbouring residents and one support submission stamp dated 1 December 2005 for the Council's consideration.

The applicant's letter of justification outlines the following comments in support of the application:

- A hair and beauty salon would resolve the concerns that the property would be used as a brothel; and
- a petition was circulated making outlandish statements about the property being used as an adult book shop in the future.

An updated Consultation Submissions Table is as follows:

Consultation Submissions		
No forum <u>formal</u> advertising of the subject proposal was undertaken because the Officer Recommendation is for refusal. If the Council is inclined to approve the subject proposal the proposal will require to be advertised in accordance with the Town's Community Consultation Policy.		
<u>Support (2, including 1 petition with 16 signatories)</u>	<ul style="list-style-type: none"> • <u>Other commercial uses in the near vicinity (namely the Oxford Hotel, the Paddington Hotel and an adult book store on Oxford Street).</u> • <u>People on the petition opposing the application are misinformed.</u> • <u>Residents that signed the petition also have business interests in the area.</u> 	<p><u>Noted.</u></p> <p><u>Not supported - the petition clearly states that the residents that signed the petition "request that the Town of Vincent changes the authorised usage of the property situated at 121 Scarborough Beach Road to residential, and monitors any future activities at this property."</u></p> <p><u>Not supported - not a major planning consideration.</u></p>
	<ul style="list-style-type: none"> • <u>The Town is using 'the majority rule'.</u> • <u>To reside near properties with commercial potential enhances the value of adjacent residential properties.</u> 	<p><u>Not supported - each submission is considered on its planning merit.</u></p> <p><u>Not supported - not a major planning consideration.</u></p>

<p>Objection (2 <u>5, including 1</u> <u>petition with</u> <u>29 signatories</u>)</p>	<ul style="list-style-type: none"> • On Sunday 27 November 2005, the applicant door knocked the residents of surrounding properties to sign a petition in support of the application. Objector expressed concern that residents would be fearful of a negative reaction if they did not sign. • Streetscape • Quality of living • Value of property • Parking • Trading hours 	<p>Noted.</p> <p>Supported - the proposed change of use is considered to have an undue impact on the streetscape and surrounding amenity.</p> <p>Supported - as above.</p> <p>Not supported - not a major planning consideration.</p> <p>Not supported - proposal is compliant with the Town's Policy relating to Parking and Access.</p> <p>Not supported - proposed trading hours are not considered to have an undue impact on the surrounding amenity.</p>
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Landowner:	I Vasev
Applicant:	L Gibson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Consulting Rooms
Use Class:	Shop
Use Classification:	"SA"
Lot Area:	443 square metres
Access to Right of Way	South side, 5 metres wide, sealed, Town owned

BACKGROUND:

27 September 2005 A written direction (notice) was issued to the owner and occupier of No. 121 Scarborough Beach Road requiring the "natural massage therapy" business, namely Adam & Eves, cease immediately.

27 September 2005 The Council at its Ordinary Meeting resolved that the Council;

"(i) *NOTES the report relating to the alleged unauthorised use of consulting room as a brothel at No.121 (Lot 27) Scarborough Beach Road, corner Faraday Street, Mount Hawthorn;*

- (ii) *AUTHORISES the Chief Executive Officer to further investigate and undertake appropriate legal action regarding the alleged unauthorised use of consulting room as a brothel at No.121 (Lot 27) Scarborough Beach Road, corner Faraday Street, Mount Hawthorn, including liaising with the Western Australian Police Service, should the Written Directions (Notices) served on the owner and occupier of the subject property on 27 September 2005 requiring the unauthorised consulting room to immediately stop and not re-commence, are not complied with; and*
- (iii) *WRITES to the Western Australian Government Premier and Minister for Police, Emergency Services, Justice, Community Safety seeking urgent introduction of relevant legislation to adequately address and control prostitution, brothels and massage parlours."*

The above 'natural massage therapy' business has subsequently ceased operating at the subject property.

DETAILS:

The proposal involves a change of use from consulting rooms to shop (hair dressing and beauty salon) and associated alterations and signage. The hair and beauty salon would be open Tuesday, Wednesday and Friday 8am until 6.30pm, Thursday 8am until 9pm and Saturday 8am until 5pm and proposes four staff members of which 3 would be full time.

The equipment used in the salon would be standard hair and beauty equipment, such as hand held dryers, barber chairs and mirrors, shampoo basins, 2 beauty/massage beds, magnifying lamps, facial steamer, hot towel cabinet, steriliser cabinet, clothes drier, reception computer, compressor for spray on tan and refrigerator.

The proposed signage consists of a monolith sign located on the northern property boundary adjacent to Scarborough Beach Road.

A petition consisting of 29 residents signatures was received by the Town on 10 November 2005 requesting the above property be used for residential purposes and for future activities to be monitored.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Monolith Sign	Not to be located within 1 metre of the boundaries of the lot on which it is erected	Located on the northern property boundary adjacent to Scarborough Beach Road.	Not supported – undue impact on amenity of area and would be conditioned to comply in the event of approval.

Consultation Submissions	
<p>No forum advertising of the subject proposal was undertaken because the Officer Recommendation is for refusal. If the Council is inclined to approve the subject proposal the proposal will require to be advertised in accordance with the Town's Community Consultation Policy.</p>	
<p>Objection (2)</p>	<ul style="list-style-type: none"> • On Sunday 27 November 2005, the applicant door knocked the residents of surrounding properties to sign a petition in support of the application. Objector expressed concern that residents would be fearful of a negative reaction if they did not sign. • Streetscape • Quality of living • Value of property • Parking • Trading hours
	<p>Noted.</p> <p>Supported - the proposed change of use is considered to have an undue impact on the streetscape and surrounding amenity.</p> <p>Supported - as above.</p> <p>Not supported - not a major planning consideration.</p> <p>Not supported - proposal is compliant with the Town's Policy relating to Parking and Access.</p> <p>Not supported - proposed trading hours are not considered to have an undue impact on the surrounding amenity.</p>
Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
<p>Car Parking Requirement (nearest whole number)</p> <ul style="list-style-type: none"> • Shop: 1 car bay per 15 square metres of gross floor area (191.65 square metres) 	13 car bays
<p>Apply the adjustment factors</p> <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) 	(0.8075)
Minus car parking on-site	6 car bays
Minus the most recently approved on-site car parking shortfall	4.84 car bays
Resultant surplus	0.34 car bay

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

COMMENTS:

Whilst it is recognised that the proposal will not unduly impact on the physical amenity of the area, that there are some other commercial uses encroaching the residential area within close proximity of the subject site and adequate car parking has been provided as per the Town's Policy relating to Parking and Access, the proposed use is not considered to be supported on the following grounds:

- the relevant Scarborough Locality Plan states that non-residential uses must remain at existing scale and intensity and a change of use from consulting room to shop (hair and beauty salon) is considered to be intensifying the non-residential use of the site in terms of client attendance and impact on surrounding amenity;
- the Town's Economic Development Strategy makes reference in its discussions on Mount Hawthorn that, '*Sites outside the main commercial precinct should be allowed to revert to residential purposes in order to provide owners with a economic incentive to redevelop under performing or redundant, derelict or vacant commercial uses*'. In this respect, it is considered that commercial uses, of a retail nature, will reduce the effectiveness of the Town's strategy to consolidate and strengthen the Town Centre;
- the future potential shop (hair and beauty salon) use may not serve the day-to-day needs of the residents and therefore, be more appropriate to be located in areas which have been appropriately zoned and developed for such uses, that is the District Centre and Commercial areas; and
- the proposal is likely to encourage further commercial intrusion within the residential area and hence, considered to unduly affect the economic viability of the Town's District Centres and Commercial areas.

In light of the above and one of general objectives of the Town's Town Planning Scheme being "*to promote and safeguard the economic well-being and functions of the Town*", it is recommended that the proposal be refused.

10.1.1 Further Report - No. 325 (Lots 251 and 254 D/P: 29191) Charles Street, North Perth - Proposed Demolition of Existing Single House and Construction of a 3-4 Storeys Mixed Use Development Comprising Offices and Four (4) Single Bedroom Multiple Dwellings

Ward:	South	Date:	29 November 2005
Precinct:	Charles Centre; P7	File Ref:	PRO3222 5.2005.3004.1
Attachments:	001		
Reporting Officer(s):	S Klarich, T Durward, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners Tipskins Pty Ltd for proposed Demolition of Existing Single House and Construction of a 3-4 Storeys Mixed Use Development comprising Offices and Four (4) Single Bedroom Multiple Dwellings, at No. 325 (Lots 251 and 254 D/P: 29191) Charles Street, North Perth, and as shown on plans stamp-dated 25 August 2005 (overshadowing plan) and 7 October 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) the three (3) car parking bays for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (iv) prior to the first occupation of the development, four (4) car parking spaces being 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;*
- (v) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the removal of the skillion roof and the provision of a concealed roof behind the proposed wall height;*
 - (b) the widening of car bay no. 7 to a minimum of 2.7 metres;*

(c) *the provision of adequate car parking and toilet facilities for people with disabilities and the provision of adequate access for people with disabilities from the disability car bay to the entrance of the building; and*

(d) *the disability car bay being relocated away from the western boundary to allow for adequate manoeuvring in and out of the car bay.*

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

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

(viii) *subject to first obtaining the consent of the owners of No. 327 Charles 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. 327 Charles Street in a good and clean condition;*

(ix) *the gross floor area of the office component shall be limited to a maximum of 168 square metres;*

(x) *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 multiple dwellings that the use or enjoyment of the property may be affected by:*

(a) *noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*

(b) *overlooking from the potential development of the adjacent property to the south.*

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

(xi) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*

(xii) *doors, windows and adjacent floor areas fronting Charles Street shall maintain an active and interactive relationship with the street;*

(xiii) *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;*

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

- (xv) *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;*
- (xvi) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facility shall be provided at a location convenient to the entrance 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;*
- (xvii) *the on-site car parking provided for the offices shall be available for use by the multiple dwellings outside the normal business hours of the offices; and*
- (xviii) *prior to the issue of a Building Licence:*
- (a) *Lots 251 and 254 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); or*
- (b) *revised plans shall be submitted and approved demonstrating the entire development including all car parking and associated accessways being provided on Lot 251. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Lake

That a new clause (vi) (e) be added as follows:

“(vi) (e) access for people with disabilities from Charles Street in accordance with Australian Standard 1428.1 and the Building Code of Australia requirements.”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.40pm.

MOTION AS AMENDED CARRIED (6-0)

(Crs Ker and Messina on leave of absence. Cr Doran-Wu was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners Tipskins Pty Ltd for proposed Demolition of Existing Single House and Construction of a 3-4 Storeys Mixed Use Development comprising Offices and Four (4) Single Bedroom Multiple Dwellings, at No. 325 (Lots 251 and 254 D/P: 29191) Charles Street, North Perth, and as shown on plans stamp-dated 25 August 2005 (overshadowing plan) and 7 October 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) the three (3) car parking bays for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (iv) prior to the first occupation of the development, four (4) car parking spaces being 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;*
- (v) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:
 - (a) the removal of the skillion roof and the provision of a concealed roof behind the proposed wall height;*
 - (b) the widening of car bay no. 7 to a minimum of 2.7 metres;*
 - (c) the provision of adequate car parking and toilet facilities for people with disabilities and the provision of adequate access for people with disabilities from the disability car bay to the entrance of the building;*
 - (d) the disability car bay being relocated away from the western boundary to allow for adequate manoeuvring in and out of the car bay; and*
 - (e) access for people with disabilities from Charles Street in accordance with Australian Standard 1428.1 and the Building Code of Australia requirements.**

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

- (vii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (viii) *subject to first obtaining the consent of the owners of No. 327 Charles 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. 327 Charles Street in a good and clean condition;*
- (ix) *the gross floor area of the office component shall be limited to a maximum of 168 square metres;*
- (x) *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 multiple dwellings that the use or enjoyment of the property may be affected by:*
 - (a) *noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *overlooking from the potential development of the adjacent property to the south.*

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

- (xi) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xii) *doors, windows and adjacent floor areas fronting Charles Street shall maintain an active and interactive relationship with the street;*
- (xiii) *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;*
- (xiv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xv) *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;*
- (xvi) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facility shall be provided at a location convenient to the entrance 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;*
- (xvii) *the on-site car parking provided for the offices shall be available for use by the multiple dwellings outside the normal business hours of the offices; and*

(xviii) prior to the issue of a Building Licence:

- (a) Lots 251 and 254 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); or*
- (b) revised plans shall be submitted and approved demonstrating the entire development including all car parking and associated accessways being provided on Lot 251. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 22 November 2005 considered the above matter and resolved that *"the Item be DEFERRED to allow for further information to be provided concerning the location of the disabled carparking bay, disabled access, solar access and constraints on future development of the site to the south."*

The following information is provided to clarify the issues raised by the Council at its Ordinary Meeting held on 22 November 2005:

Car Parking Bay for People with Disabilities

The proposed disabilities car parking bay is to be located at the end of the 7 bays (adjacent to the western boundary) required for the development. Following discussions with the applicant, the Town has been advised that the disability bay will be relocated away from the western boundary, to the middle of the bays. This will allow for easier manoeuvring in and out of the disability bay and is conditioned in the Further Officer Recommendation.

Access to the Building for People with Disabilities

Following discussions with the applicant, the provision of suitable access to the ground floor from the disability car bay will be further addressed in the application for Building Licence. The Town's Officers were advised by the applicant that a lift from the basement to the ground floor will be considered, in providing access for people with disabilities. There is no gradient proposed in the car park as the proposed reduced levels of the car parking area and basement are even.

Condition No. (vi) (c) of the Officer Recommendation considered by the Council at its Ordinary Meeting held on 22 November 2005 has been modified to include the provision of adequate access from the disabled car bay to the entrance of the building. This is addressed in the Further Officer Recommendation.

Solar Access

The limitations and provisions of solar access for adjoining sites is not a requirement for commercial properties. The subject Lots 251 and 254 and the adjoining southern lot are zoned commercial and, therefore, there are no overshadowing limitations placed on this application.

Constraints for Future Development

With the proposed multiple dwellings having balconies setback 2-3 metres from the southern boundary, concern was raised by the Council regarding the effect that any future redevelopment of the southern site, may have on the proposed development of Lots 251 and 254. Although the proposed use for the subject site comprises both residential and commercial uses, the zoning of Lots 251 and 254 are commercial. Therefore the application of privacy issues associated with the Residential Design Codes has not been applied to this application. Furthermore, with the possibility of future development of the property to the south, possible overlooking onto Lots 251 and 254 from any future development of this site, will also be assessed on the provisions applied to a commercial property.

Considering this, condition (x) of the Officer Recommendation considered by the Council at its Ordinary Meeting held on 22 November 2005 has been modified to include the notification of the proprietors and/or prospective purchasers of the multiple dwellings that the use or enjoyment of the property may be affected by the potential development of the adjacent property to the south.

In summary, the proposed development is recommended for approval, subject to the modifications identified above, which are in addition to the Officer Recommendation considered by the Council at its Ordinary Meeting held on 22 November 2005.

The following is a verbatim of the Minutes of the item placed before the Council at its Ordinary Meeting held on 22 November 2005.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners Tipskins Pty Ltd for proposed Demolition of Existing Single House and Construction of a 3-4 Storeys Mixed Use Development comprising Offices and Four (4) Single Bedroom Multiple Dwellings, at No. 325 (Lots 251 and 254 D/P: 29191) Charles Street, North Perth, and as shown on plans stamp-dated 25 August 2005 (overshadowing plan) and 7 October 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) the three (3) car parking bays for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (iv) prior to the first occupation of the development, four (4) car parking spaces being 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;*
- (v) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the removal of the skillion roof and the provision of a concealed roof behind the proposed wall height;*
 - (b) *the widening of car bay no. 7 to a minimum of 2.7 metres; and*
 - (c) *the provision of adequate car parking, access and toilet facilities for people with disabilities.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (viii) *subject to first obtaining the consent of the owners of No. 327 Charles 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. 327 Charles Street in a good and clean condition;*
- (ix) *the gross floor area of the office component shall be limited to a maximum of 168 square metres;*
- (x) *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 multiple dwellings that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xi) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xii) *doors, windows and adjacent floor areas fronting Charles Street shall maintain an active and interactive relationship with the street;*
- (xiii) *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;*
- (xiv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xv) *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;*

- (xvi) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facility shall be provided at a location convenient to the entrance 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;*
- (xvii) *the on-site car parking provided for the offices shall be available for use by the multiple dwellings outside the normal business hours of the offices; and*
- (xviii) *prior to the issue of a Building Licence:*
- (a) *Lots 251 and 254 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); or*
 - (b) *revised plans shall be submitted and approved demonstrating the entire development including all car parking and associated accessways being provided on Lot 251. 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 10.1.8

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.44pm.

Cr Doran-Wu returned to the Chamber at 8.46pm.

Moved Cr Ker, Seconded Cr Messina

That the Item be DEFERRED to allow for further information to be provided concerning the location of the disabled carparking bay, disabled access, solar access and constraints on future development of the site to the south.

CARRIED (7-2)

For

Cr Chester

Cr Doran-Wu

Cr Ker

Cr Lake

Cr Maier

Cr Messina

Cr Torre

Against

Mayor Catania

Cr Farrell

<i>Landowner:</i>	<i>Tipskins Pty Ltd</i>
<i>Applicant:</i>	<i>Tipskins 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>Single House</i>
<i>Use Class:</i>	<i>Office Building and Multiple Dwellings</i>
<i>Use Classification:</i>	<i>"P" and "AA"</i>
<i>Lot Area:</i>	<i>339 square metres for Lot 251, and 15 square metres for Lot 254</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of a 3-4 storeys mixed use development comprising offices and four (4) multiple dwellings (single bedroom). The ground level of the development is made up entirely of office space (167.74 square metres), with the second and third levels comprising two (2) single bedroom dwellings on each level. A basement which is accessible down the southern side of the site, provides the essential facilities for the multiple dwellings, along with 7 car parking bays for the entire development.

Due to a 2 metre gradient decline of the property from Charles Street, to the west, being the rear of the property, the proposed development has been designed with three (3) levels on the Charles Street (eastern) elevation and three (3) levels, plus basement, on the rear (western) elevation.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>2.71 Multiple dwellings or 4.05 single bedroom multiple dwelling - R 80.</i>	<i>4 single bedroom multiple dwellings (R 117.99) (Representative R Code does not consider the dwellings to be single bedroom).</i>	<i>Supported - compliant to the minimum site area and single bedroom dwelling requirements of the Residential Design Codes.</i>
<i>Plot Ratio</i>	<i>1.0 - 354 square metres.</i>	<i>0.67 - 240 square metres.</i>	<i>Noted.</i>

<p><i>Charles Centre Precinct: Building Height - eastern elevation (Charles Street)</i></p>	<p><i>Third storey can be considered, provided the amenity of adjacent residential area is protected (10 metres to top of concealed roof and 12 metres to top of pitched roof).</i></p>	<p><i>10.4 (top of wall) - 12.5 metres (top of skillion roof)</i></p>	<p><i>Skillion roof not supported - skillion roof protruding well above building walls, roof can be lowered and concealed behind the top of wall - refer to "Comments".</i></p>
<p><i>- southern elevation</i></p> <p><i>- western elevation (rear)</i></p>		<ul style="list-style-type: none"> <i>• 6.8 metres to top of wall (rear of property)</i> <i>• 11.7 (concealed roof) - 13.4 metres to top of skillion roof</i> <p><i>6.8 metres (office component set back 5.7 metres from rear boundary) - 12.5 metres to top of skillion roof (residential component set back 11.17 metres from rear boundary).</i></p>	<p><i>Skillion roof not supported - refer to "Comments".</i></p> <p><i>Skillion roof not supported - refer to "Comments".</i></p>
<p><i>- northern elevation</i></p>		<p><i>10.8 metres (concealed roof).</i></p>	<p><i>Supported - refer to "Comments".</i></p>
<p><i>Non-Residential/ Residential Development interface: - height</i></p>	<p><i>Maximum facade height no greater than 9 metres</i></p>	<p><i>10.4 metres</i></p>	<p><i>Supported - the development has an active and interactive relationship with the street by way of staggered building design, full height glazing and large balconies. The bulk and scale of the facade is considered to have no undue impact on the streetscape and is consistent with the bulk and scale of the existing commercial properties within close proximity to the proposed development.</i></p>

<i>Car Parking</i>		
<i>Car Parking Requirement (nearest whole number)</i>		<i>3 car bays for office component.</i>
<ul style="list-style-type: none"> • <i>Office - 167.74 square metres (3.35 car bays)</i> • <i>Multiple dwelling (single bedroom) - 4 single bedroom dwellings (4 car bays)</i> 		<i>4 car bays for residential component.</i>
<i>Apply the adjustment factors</i>		<i>(0.646)</i>
<ul style="list-style-type: none"> • <i>0.85 (within 400 metres of a bus stop)</i> • <i>0.80 (mixed use development)</i> • <i>0.95 (within 400 metres of car park with excess of 25 car parking bays)</i> 		<i>1.938 car bays (office component only)</i>
<i>Minus car parking on site</i>		<i>3 car bays (office component only)</i>
<i>Minus the most recently approved on site parking shortfall</i>		<i>N/A</i>
<i>Resultant surplus</i>		<i>1.062 car bay</i>
<i>Bicycle Parking</i>		
<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Office</i>		
<ul style="list-style-type: none"> • <i>1 per 200 square metres (proposed 163.64) gross floor area (class 1 or 2).</i> 	<i>0.82 space</i>	<i>At least 1 space</i>
<ul style="list-style-type: none"> • <i>1 space per 750 square metres over 1000 square metres for visitors.</i> 	<i>N/A</i>	<i>N/A</i>
<i>Consultation Submissions</i>		
<i>Support (1)</i>	<i>Department for Planning and Infrastructure have no objections to this application.</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, and Residential Design Codes (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:

Building Height

The proposed design incorporates both a pitched (skillion) roof and concealed roof. The skillion roof is to be constructed on top of the residential component which has a maximum wall height of up to 11.5 metres, and including the skillion roof, the total height of the building is proposed to be up to 13.4 metres above natural ground level.

The design of the building, by way of concealed roof is considered to have the least impact on the adjoining properties in terms of bulk and scale. The inclusion of the skillion room in the design of the building increases the overall scale of the development. Considering this, the proposed skillion roof is not considered as a necessary design feature and is recommended it be removed and the roof be concealed within the existing wall structure.

The proposed height of the building to the top of the third level wall ranges from 10.5 metres to 11.7 metres. Due to the 2 metre gradient of the site, the height of the building from the rear /west (adjacent to residential area) is perceived as 4 levels (including basement), however, the levels of the building have been staggered away from western boundary. The ground level is proposed to be setback 5.7 metres, with the second and third levels of the multiple dwellings being set back 11.17 metres from the western boundary.

By lowering the proposed skillion roof so that it is concealed behind the top of wall, the impact of the development on the adjoining properties is considered to be minimal and on par with the existing height of the Brownes Dairy redevelopment at No. 399 Charles Street, North Perth. As conditioned in the Officer Recommendation.

Heritage

In light of preliminary investigations a full heritage assessment is not considered necessary for the proposed demolition of the subject place at No. 325 Charles Street.

The subject place was constructed circa 1920 during the Inter-War period of development in Perth. The single storey brick and tile dwelling features a front facing gable and a hipped roof clad with tiles. To the front of the dwelling the windows are in configurations of three casements. While some of the original features remain in situ, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entrance into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

Summary

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

10.2.2 Proposed Naming of the Regional Recreational Shared Path along the Swan River - "The Tony Di Scerni Pathway"

Ward:	South	Date:	28 November 2005
Precinct:	Banks P15	File Ref:	TES0172
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposal to name the portion of Regional Recreational Shared Path within the Town and bordering the Swan River "The Tony Di Scerni Pathway";*
- (ii) *APPROVES the application of the name "The Tony Di Scerni Pathway" and the installation of appropriate signage adjacent to the shared path (within the Town) once the new section of path has been completed (refer attached photo); and*
- (iii) *ADVISES the Department for Planning and Infrastructure, the Geographic Names Committee, the Banks Precinct Action Group and the family of the late Mr Di Scerni of its decision.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

Cr Doran-Wu returned to the Chamber at 8.42pm.

Debate ensued.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to propose the recognition of the contributions to the community made by the late Tony Di Scerni by naming the recreational shared path within the Town "The Tony Di Scerni Pathway".

BACKGROUND:

On 16 October 2005 a letter was received from the Banks Precinct Action Group advising that at the Group's October 2005 meeting the Group passed a motion strongly supporting the proposed naming of the section of regional recreational shared path between Summer Street and Mitchell Street "The Tony Di Scerni Pathway".

Construction of the section of the Regional Recreational Shared Path north of Banks Reserve is currently under way. Once completed, pedestrians and cyclists will be able to enjoy a continuous pathway following the Swan River foreshore from Ashfield Flats to the CBD and beyond.

The construction of this section of pathway could not have happened without resolution of a number of complex environmental and community issues. Delivering a pathway amenity for the enjoyment of the community at large with minimal impact on the wetland environment and on residents' views was not an easy task.

It is considered that Tony Di Scerni* and the Banks Precinct Action Group played a major role in helping achieve this very successful outcome.

Note Tony served two terms as Chairman of the Banks Precinct Action Group*

Mr Di Scerni passed away in February 2003 and a fitting way to ensure his tireless efforts to bring the construction of this vital section of the pathway to fruition are remembered by the community, would be to apply the name "The Tony Di Scerni Pathway" to this section of Regional Recreational Shared Path.

DETAILS:

The Banks Precinct Action Group provided the following background information about Tony Di Scerni and his significant contributions to the community.

Anthony (Tony) Di Scerni's parents, Frank and Adelina, were post war migrants from Italy, arriving in Western Australia in 1950. Shortly afterwards they purchased a house on the corner of Pakenham and Stanley Streets, Mount Lawley, where they still live today.

Tony, born in 1951, was the eldest of three children - he has a sister, Lillian de Nado, and a brother, Sam. Growing up in the Mount Lawley area close to the Swan River, Tony and his brother and friends spent many hours along the banks of the river at Banks reserve. This early contact with the area and love of its natural beauty were to blossom in later years. Tony was a member of the Sea Scouts who used to meet at the community hall at Banks Reserve, where many years later the Banks Precinct Action Group meets on the first Wednesday of each month.

Tony was educated at St Francis Xavier's Primary School in East Perth and later at St Mark's Highgate..... At school Tony was a very keen footballer and his prowess was such that he won the medal for the best and fairest in the under 16s grand Final in 1967.

Tony married Dana in 1974. They had three children, Adele in 1976, Carla in 1980 and Anthony in 1985.

Tony's interest in engineering led him into the fabrication industry in 1977. He worked with the Franco Group and Superweld before joining Kewdale Structural Engineering (now Primax) in 1987. In his capacity as General Manager of Primax, he was the driving force in many of the major construction projects in the 1980s. He was a leading engineer on the 56 storey Central Park building in Perth. His talent for innovation led to the acceptance of new costing methods and industry improvements such as courses for welding technologists that attracted international interest and attention. Tony's skills were also used offshore in places such as Dubai.

His success as an engineer was transferred to the Australian Steel Institute (ASI) of which he served a term as its Chairman. The ASI has said of Tony Di Scerni that he was a person with a visionary mind and unique skills encompassing engineering, fabrication, and construction; a person who made a significant contribution to the Australian Steel Institute. Tony also sat on boards and committees for the Chamber of Commerce and Industry, the Welding Technology Institute, and the Advanced Manufacturing Technology Centre in East Perth, Trinity Grammar School and many church based charities.

Tony Di Scerni also gave his time to the local community of the Town of Vincent, serving two terms as Chairman of the Banks Precinct Action Group. In this capacity his love of the area in which he grew up was evident. He worked hard to ensure that he passed on a better environment for future generations. He was actively involved in the significant improvements to Banks reserve. This neglected part of the riverfront has now developed into a significant park, one of the jewels of the Town of Vincent and its access to the Swan River.

In the landscaping of Banks Reserve and an increase in the areas for the public to picnic with their families, Tony added his own touch by designing the new pergolas. Tony was instrumental in not only having the bike path cross Banks Reserve but in designing and securing the lighting for the path.

The cycleway ended at Banks Reserve and a last link was needed between Banks Reserve to Bardon Park in Maylands in order to complete the cycleway from Perth to Guildford along the Swan River. Having lived in the area all his life, Tony was an advocate for the construction of the cycleway. He held discussions with the relevant government departments, with the Town of Vincent and with many others on all aspects of the pathway. He insisted that the pathway be a dual use pathway and not for use only by cyclists.

Tony spent many long hours conferring with local residents to obtain the best result for them in the location of the dual use path, particularly for those residents close to Banks Reserve. He was able to secure the construction of a bridge across the old brick pits near Banks Reserve, with additional protection for neighbouring residents from users of the cycleway. Shortly before his death in 2003, Tony was still conferring or consulting with local residents to achieve the best result for all.

Those in the Banks Precinct who knew Tony well, came to greatly admire his skill at negotiating, his focus on getting things done and the way he was able to use his extensive networks for the good of the local community. The many sincere tributes at the time of his passing are a testament to the high esteem in which he was held.

Tony Di Scerni represented the best of the Town of Vincent. The son of Italian migrants, he was successful in his work, he used that knowledge to help and pass on to future workers in his chosen field. He had a loving and devoted family. He gave his time to serve the local community and seek to make it better for future generations.

Applying the name "The Tony Di Scerni Pathway" to that section of the regional recreational shared path within the Town would be a fitting way to remind all of the generous spirit of one of the Town's residents who gave so much of his time and expertise to improve its amenity.

CONSULTATION/ADVERTISING:

The Department of Planning and Infrastructure has been consulted and has advised that the naming of the pathway is a matter for the Town to decide. The Geographic Names Committee of the Department of Land Information have also been consulted and have given their approval in principle. Should the Council approve the naming, a formal request will be made to the Geographic Names Committee to apply the name.

LEGAL/POLICY:

The naming process will be done in accordance with the requirements of the Geographics Names Committee.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The proposed sign, similar to those used on the Town's parks and reserves will cost approximately \$300.

COMMENTS:

The Town is extremely appreciative of those residents who are willing to give their time and effort to help achieve outcomes that will benefit their community. Tony Di Scerni was an outstanding example of that selflessness and by applying the name "The Tony Di Scerni Pathway" to the recreational shared path within the Town, his contributions will be remembered in perpetuity.

10.1.14 No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), North Perth - Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition

Ward:	North	Date:	28 November 2005
Precinct:	North Perth; P8	File Ref:	PRO2448; 5.2005.3192.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
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 REFUSES the application submitted by Ht Tran on behalf of the owners H N Tran and H K Ha for Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition at No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), and as shown on plans stamp-dated 29 September 2005, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the garage street setback requirements of the Town's Policy relating to street setbacks.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow the applicant to submit revised plans.

CARRIED (4-3)

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

(Crs Ker and Messina on leave of absence.)

ADDITIONAL INFORMATION:

A composite plan that accurately reflects the northern and eastern setbacks for Lot 2 has been included in the Appendices. The plan is provided to show the location and layout of Lot 1 in relation to Lot 2 only.

Landowner:	H N Tran & H K Ha
Applicant:	H T Tran
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	488 square metres
Access to Right of Way	West side, 3 metres wide, unsealed, privately owned

BACKGROUND:

4 November 2003 The Council at its Ordinary Meeting resolved to refuse an application for an additional two-storey single house to existing single house on the subject property.

22 June 2004 The Council at its Ordinary Meeting resolved to conditionally approve an application for an additional two-storey single house and alterations and additions to existing single house on the subject property.

DETAILS:

Approval is sought for the reconsideration and deletion of the following condition that was applied to the approval granted by the Council on 22 June 2004:

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

....(c) the proposed garage being shown as a carport and the carport being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the western living/dining room wall of the proposed dwelling, enclosure to a height of 1.8 metres is permitted where the carport abuts the courtyard and the fence line;

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

The applicant has requested that the above condition be removed to enable the construction of a garage, being an increase in wall height abutting the courtyard and fence line up to 25 courses, being underside of the t-bar to the ceiling of the carport, and to install a solid garage door. The proposed garage is located adjacent to Ruby Street, which is the secondary street for the development.

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	N/A	N/A	N/A
Plot Ratio	N/A	N/A	N/A

Setbacks: - garage setback from Ruby Street	Garages to be setback 6 metres from the street or behind the main building line.	Garage setback 3 metres from Ruby Street and is located 0.5 metre in front of the main building line.	Not supported - the proposed garage is not in keeping with the existing setbacks on Ruby Street and does not comply to the provisions of the Town's "Street Setback" Policy.
Consultation Submissions			
No advertising was required for this application			
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

* The 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:

On the above basis, it is recommended that the Council refuse the proposal based on the reasons outlined in the Officer Recommendation.

10.1.6 Nos.488-492 (Lot 52 D/P: 29193) Beaufort Street, Highgate - Proposed Alterations and Bi-Fold Windows Additions to Existing Shop

Ward:	South	Date:	28 November 2005
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO2502; 5.2005.3217.1
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 the application submitted by S Taylor on behalf of the owner Benjamin & Co Pty Ltd for proposed Alterations and Bi-Fold Windows Additions to Existing Shop, at Nos.488-492 (Lot 52 D/P: 29193) Beaufort Street, Highgate, and as shown on plans stamp-dated 14 October 2005, subject to:

- (i) any signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with the street; and*
- (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.*

COUNCIL DECISION ITEM 10.1.6

Cr Torre departed the Chamber at 8.50pm.

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (6-0)

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

Landowner:	Benjamin & Co Pty Ltd
Applicant:	S Taylor
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop, Warehouse
Use Class:	Shop, Warehouse
Use Classification:	"P", "P"
Lot Area:	501 square metres
Access to Right of Way	N/A

BACKGROUND:

There is a concurrent planning application for change of use from shop to shop and eating house and associated internal alterations at the subject property being referred to the Council for consideration under a separate report on this Agenda.

DETAILS:

The proposal involves alterations to the front façade to accommodate the addition of bi-folds windows. The proposal results in an increased floor area of 6.58 square metres. This intensification of the site is being addressed in the separate concurrent Agenda Report mentioned above. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
The proposal was not advertised as it is minor in nature, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for its consideration.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposed works to the façade is considered to enhance the street and promote street interaction and as such, is recommended for approval, subject to standard and appropriate conditions.

10.1.7 Nos. 488-492 (Lot 52 D/P: 29193) Beaufort Street, Highgate - Proposed Change of Use from Shop to Shop and Eating House and Associated Internal Alterations

Ward:	South	Date:	28 November 2005
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO2502; 5.2005.3212.1
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 the application submitted by Allering Burgess on behalf of the owner Benjamin & Co Pty Ltd for proposed Change of Use from Shop to Shop and Eating House and Associated Internal Alterations, at Nos.488-492 (Lot 52 D/P: 29193) Beaufort Street, Highgate, and as shown on plans stamped 14 October 2005 (existing site and floor plans), 21 November 2005 (car parking plan) and 22 November 2005 (proposed floor plan) , subject to:

- (i) any signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) the maximum public floor area of the eating house and the gross floor area of the shop shall be limited to 32 square and 252 square metres respectively. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (iii) prior to the first occupation of the development, one (1) class 1 or 2 and four (4) 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;*
- (iv) doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with the street;*
- (v) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vi) the alfresco area on the Beaufort Street verge shall be subject to a separate Alfresco Licence application being submitted and approved by the Town;*
- (vii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$6,188 for the equivalent value of 2.38 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*

(viii) *prior to the first occupation of the development, the two (2) car parking spaces shall be clearly marked and signposted for the exclusive use of the staff members of the development.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

CARRIED (6-0)

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

Landowner:	Benjamin & Co Pty Ltd
Applicant:	Allerding Burgess
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop, Warehouse
Use Class:	Eating House, Shop, Warehouse
Use Classification:	"P", "P", "P"
Lot Area:	501 square metres
Access to Right of Way	N/A

BACKGROUND:

There is a concurrent planning application for proposed alterations and bi-fold windows additions to existing shop at the subject property being referred to the Council for consideration under a separate report in this Agenda.

DETAILS:

The proposal involves change of use from shop to shop and eating house and associated internal alterations 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
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

Car Parking	
Eating house: 1 car bay per 4.5 square metres of public floor area (31.625 square metres)	7.03 car bays
Shop: 1 space per 15 square metres of gross floor area (251.975 square metres)	16.80 car bays
Total car parking requirement (nearest whole number)	24 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400m of a bus stop) ▪ 0.95 (within 400m of one or more public car parks in excess of 25 spaces) 	(0.8075) 19.38 car bays
Minus car parking on-site	2 car bays
Minus the most recently approved on-site parking shortfall	15 car bays
Resultant shortfall	2.38 car bays
Bicycle Parking	
Eating House <ul style="list-style-type: none"> • 1 space per 100 square metres public area for employees (class 1 or 2)- 0.32 space • 2 spaces plus 1 space per 100 square metres of public area for visitors (class 3)- 2.32 spaces Retail Premises - Shop <ul style="list-style-type: none"> • 1 space per 300 square metres gross floor area (class 1 or 2)- 0.84 space • 1 space per 200 square metres (class 3)- 1.26 spaces 	Nil facilities indicated on plans, has been conditioned to comply.

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

COMMENTS:

The proposal is considered to be a minor intensification of the site and is regarded to be compatible with the uses of the surrounding area and to enhance the street and promote street interaction.

The Town's Technical Services have advised that the proposed tandem car bays are compliant with the relevant standards and reversing into Broome Street is acceptable due to the low traffic volumes and traffic calming devices along the subject street. Furthermore, the tandem car parking bays arrangement is supported in this instance due to site constraints. It is considered however, that due to the nature of the bays, these bays should be available to the staff members of the development only.

In addressing the car parking shortfall, a cash-in-lieu payment is considered appropriate in this instance on the basis there is on-street car parking and car parks nearby the subject property and there are existing site constraints that limit the site ability's to provide additional parking on-site.

Cash-In-Lieu of Car Parking

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

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

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

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

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/06 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

With the above in mind, the proposal is therefore recommended, subject to standard and appropriate conditions to address the above matters.

10.1.2 Further Report - No. 141 (Lot 6) Scarborough Beach Road, Corner Fairfield Street, Mount Hawthorn – Paddington Ale House – Proposed Continued Extended Trading Permit

Ward:	North	Date:	29 November 2005
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO1137
Attachments:	001 ; 002 ; 003		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the Decision by the Director of Liquor Licensing, Department of Racing, Gaming and Liquor in relation to a Liquor Licensing Act 1988, Section 117 complaint against No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, relating to the Paddington Ale House; and*
- (ii) *REQUESTS the Director of Liquor Licensing of the Department of Racing, Gaming and Liquor to REFUSE the Extended Trading Permit Application for Renewal in relation to Friday and Saturday nights from 12.00am to 1.00am at No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street (Paddington Ale House), Mount Hawthorn, on the following grounds:*
 - (a) *consideration of public submissions received from residents in the vicinity (as detailed in the 2 (two) petitions received with seventy (70) and twelve (12) signatories respectively, the seven (7) additional individual opposing submissions); and*
 - (b) *and the recent formal complaint lodged under Section 117 (2)(b) of the Liquor Licensing Act concerning reported unruly, noisy and anti-social behaviour being experienced by the residents in the vicinity of the licensed premises.*

Cr Torre returned to the Chamber at 8.52pm.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

ADDITIONAL INFORMATION:

A further submission was received by the Town on 1 December 2005 (afternoon) after finalisation of the Agenda outlining a **petition with 681 signatories in favour** of the continuation of the existing Extended Trading Permit, as 'Laid on the Table'. The petition's heading is: 'We, the undersigned, are in support of the Paddington Ale House retaining their existing permit, which allows trade until 1.00am (on) Friday and Saturday nights, rather than reverting to a midnight closure.'

A hand written notation on the first page by the owner outlines: '33% nearby residents, 66% regular users (patrons) of Paddington Ale House.' The 33% nearby residents represent around 284 signatories in favour. A break down in numbers reveals petitioners in favour as follows:

- Fairfield Street 14;
- Scarborough Beach Road 5;
- Anzac Road 8;
- Flinders Street 9;
- Coogee Street 11;
- Oxford Street 1;
- Edinboro Street 5;

Note: the above streets are within a 250 metre radius and include 25 residential properties, some with multiple signatories;

- Other Vincent residents from Mount Hawthorn, North Perth and Leederville 169; and
- Non-Vincent Residents 459.

In addition, four (4) individual letters in favour of the continuation of the Extended Trading Permit was submitted, as '*Laid on the Table*'. These letters list the following reasons for their support:

- Gradual and more orderly departure realises if closing time is later;
- Effective security arrangements; and
- Less impact/disruption on community if dispersion is between 12 midnight and 1.00am rather than en mass departure.

Furthermore, documentation was submitted that demonstrates the establishment's involvement in community and sporting group sponsorship as follows:

- Mount Hawthorn Primary School (Sponsorship of Fair);
- The Friends of the Institute for Child Health Research;
- Anzac Cottage;
- Swan Taxis;
- Coles Supermarket (Mt Hawthorn) - quiz night sponsorship - Variety Club of WA;
- Scarborough Amateur Football Club;
- Taxi Council of WA;
- Scarborough Cricket Club;
- West Coast Cowan Amateur Football Club;
- Coastal Titans Women Football Club;
- Edith Cowan University Football Club;
- Bayswater Lacrosse Club Inc.; and
- Swanbourne Suburban Turf Cricket Club.

PURPOSE OF REPORT:

The purpose of the report is to advise of submissions received in relation to the notification of the proposed renewal of the Extended Trading Permit for the Paddington Alehouse located at No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn.

BACKGROUND:

The existing Extended Trading Permit of the Paddington Ale House located at No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, was initially approved on 20 October 1994 and the Licensee applied to the Department of Racing, Gaming and Liquor (DRGL) to renew the permit for a two year period. The hours proposed are Friday and Saturday nights from 12.00am to 1.00am.

At the Ordinary Meeting of Council held on 8 November 2005, the Council resolved as follows:

'That the Council;

- (i) RECEIVES the report on the Extended Trading Permit Application in relation to Friday and Saturday nights from 12.00am to 1.00am at No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street (Paddington Ale House), Mount Hawthorn;*
- (ii) NOTES that the Department of Racing, Gaming and Liquor has granted an extension of time until 9 December 2005 to comment on the Extended Trading Permit application so as to enable the Town to conduct community consultation about the application; and*
- (iii) NOTES that subject to an extension of time being approved, that community consultation will be conducted and a further report submitted to Council at the Ordinary Meeting of Council to be held on 6 December 2005.'*

An extension of time to comment has been granted for the Town to conduct Community Consultation and submit a further report to the Council by 6 December 2005.

DETAILS:

On 14 and 15 November 2005, Community Consultation letters were mailed to residents and businesses in a 200 metre radius of the Paddington Ale House requesting written (or e-mail) comment by Monday, 28 November 2005. As some telephone enquiries were received, the Manager Health Services included the following paragraph in the Community Consultation letter:

'The petition submitted to Council during the above Council meeting (8 November 2005) will be deemed to be a formal submission and addressed in the further (Council) report.'

The following submissions were received:

1. Petition with **seventy (70) signatories** requesting the Council as follows: *'Petition to refuse an application to extend trading hours for the Paddington Ale House Mount Hawthorn, WA';*
2. Petition with **twelve (12) signatories** requesting the Council as follows: *'Petition to refuse an application to extend trading hours for the Paddington Ale House Mount Hawthorn, WA';*
3. Additional seven (7) submissions were received opposing the application;
4. Three (3) submissions supporting the application; and
5. One (1) submission suggesting a six (6) month trial of Friday nights only, and at the review time consider whether the ETP could be extended to both nights, or removed all together should substantiated complaints be received. The respondent advised that he has experienced a small amount of damage to his property (smashed window), but not that there was an unreasonable amount of vandalism/antisocial behaviour.

A Schedule of Submissions in relation to this particular application is attached as an Appendix to the report.

From a historic point of view, on 25 November 2004 community consultation in relation to an application to increase patronage, led to thirteen (13) submissions being received in relation to various matters but including anti-social behaviour, litter and patron noise in the vicinity.

The matter of public anti-social behaviour complaints (Police responsibility) in the vicinity of this establishment and other liquor licensed establishments, are referred to the Local Police Service and raised at the subsequent Western Accord for the information of the Office of the WA Police Service's Alcohol and Drug Adviser and representative from the Department of Racing, Gaming and Liquor. Vincent Accord Meetings are co-ordinated by the Town's Safer Vincent Co-ordinator and Officers address generic problems at this forum with Licensees and State Agencies.

VERBAL COMMENTS RECEIVED:

The following verbal comments were made during the *Public Question Time and Receiving of Public Submissions* during the Ordinary Meeting of Council on 8 November 2005:

1. *'Requested support from the Council in opposing the extended trading permit application. Advised that the Oxford Hotel ceases trading at midnight and believes the Paddington should also as it is in a residential area.'*
2. *Believes that an increase in trading hours and patrons will be to the detriment of the residents and should not happen. Stated that the pub is an old pub in an old area, a residential area.'*
3. *Requested Council support them in writing a letter of objection to the Department of Racing, Gaming and Liquor Licensing regarding the application for an extended trading permit. Doubts the commitment of the applicant to responsibly maintain such a license. Does not believe the Licensee is adhering to the conditions of his license (i.e. security staff are not patrolling the streets within a 250 metre radius, staff are not collecting glasses and litter, staff still binning bottles at midnight). Believes it is the responsibility of the Council to support its ratepayers and presented a petition from 70 immediate residents.'*

SUBMISSIONS BY APPLICANT:

In the submission to the DRGL, the applicant advises as follows:

"The extended hour of trading allows patrons to leave at a more leisurely rate. There is a gradual exit of patrons between midnight and 1.00am being minimal in comparison to the streets being inundated with people (a full house) should it be a midnight closing time.

The Extended Hour takes pressure off:

Neighbours – a gradual exit of people means the surrounding streets are quieter rather than a flood of customers at midnight with an entire pub full of people out in the street at once. A midnight close and a pub full of patrons out on the street at once would cause great noise pollution for our neighbours with a vast number of people waiting for taxis at one time.

Taxi companies – the extra hour relieves the pressure on the companies and drivers as there is no "flood" or great peak period for their services at one single time. There is a gradual flow of patrons waiting for taxis from midnight until 1.00am and the final number from 1.00am is far less than what it would be if it was a midnight close, which would cause the surrounding streets to be swamped with people, not to mention a great demand for drivers at once, and them not being able to cater for the influx.

Security Personnel – in relation to the extra hour, it is advised that when the business close at midnight we have found that hundreds of people have to leave at the same time, but in extending hours past midnight dispersion of people in smaller groups occurs and as such it eases the pressure on our nearby residents and security. It allows our security to have greater control in monitoring the crowd both inside and outside the hotel plus surrounding streets. This greater control in monitoring the crowd/partons being: monitoring patrons behaviour; noise levels upon exiting the establishment; attempting to leave/exit the establishment with glassware.

The extra hour provides the ability for the gradual exit of patrons rather than an influx at midnight and putting extra pressure on security controlling and monitoring situations that may rise due to the large amount of people exiting at once.

The additional hour is beneficial to all concerned and has worked very well over the past few years.”

The Council previously received the establishment's documentation as follows:

1. Paddington Alehouse - Harm Minimisation and Management Plan;
2. Paddington Alehouse - House Management Policy; and
3. Paddington Alehouse - Code of Conduct.

DECISION OF DIRECTOR OF LIQUOR LICENSING

The decision made by the Director Liquor Licensing on 8 September 2005 in relation to a Section 117 complaint, detailing additional license conditions to address anti-social behaviour and other relevant amenity issues is attached as an Appendix to this report. The conditions of licence include:

- Crowd controller ratio;
- Two crowd controllers to monitor behaviour of patrons in streets within a 250 metre radius of the premises;
- Crowd controllers to monitor patron arrivals and departures until one hour after trading ceases;
- Closed Circuit Television Security System (CCTV) from 9 December 2005;
- Maximum number of patrons are capped to 400 on the ground floor and 40 in the alfresco dining area where liquor may be sold (Note: 50 approved by Town - thus 10 may not be served alcoholic drinks);
- Staff to collect glass and litter within a 250 metre radius of the premises;
- Maintaining an Incident Register;
- Facilitation of quarterly meetings with nearby residents and minutes to be submitted to Director;
- Contact telephone numbers to be provided of Head of Security and Approved Manager;
- Advisory parking signage to be provided;
- Appropriate training of staff; and
- The sale of packaged liquor after 11.00pm on Friday and Saturday nights is prohibited.

CONSULTATION/ADVERTISING:

Advertising is the legal responsibility of the Licensee and under the supervision of the Department of Racing, Gaming and Liquor in relation to temporary extended trading permits.

In addition, on 14 and 15 November 2005, Community Consultation letters were mailed to residents and businesses in a 200 metre radius of the Paddington Ale House by Health Services requesting written (or e-mail) comment by Monday, 28 November 2005. As some telephone enquiries were received, the Manager Health Services included the following paragraph in the letter:

'The petition submitted to Council during the above Council meeting (8 November 2005) will be deemed to be a formal submission and addressed in the further (Council) report.'

LEGAL/POLICY:

- Liquor Licensing Act 1988 (as amended) including Division 7, Section 117
Complaints about noise or behaviour related to licensed premises:
'...(1) the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or
(2) any –
 - (i) behaviour of persons on the licensed premises;*
 - (ii) noise emanating from the licensed premises; or*
 - (iii) disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises;*
is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity.'
- Community Consultation Policy No. 4.1.5; and
- Council Resolution of 7 December 2004. It is confirmed that the maximum accommodation numbers have not been increased.

STRATEGIC IMPLICATIONS:

The proposal is in keeping with KRA 2.2(g) of the Town's Strategic Plan, 2005 - 2010 - *"Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promote safety and security"*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Given the number of petitioners and opposing submissions received and the recent additional conditions placed on the establishment by the Director Liquor Licensing, it is recommended that the Council requests the Director of Liquor Licensing to refuse the application.

10.1.3 No. 576 (Lot 3, Strata Lots 1 to 24) William Street, Corner Forrest Street and Alma Road, Mount Lawley - Proposed Alterations and Additions to Existing Multiple Dwellings - Reconsideration of Setback Condition

Ward:	South	Date:	29 November 2005
Precinct:	Norfolk; P10	File Ref:	PRO2549; 5.2005.3047.1
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 B Brackenridge Architect on behalf of the owner Nonathy Pty Ltd, for proposed approved alterations and additions to existing multiple dwellings on No.576 (Lot 3, Strata Lots 1 to 24) William Street, corner Forrest Street and Alma Road, Mount Lawley, and as shown on the plans stamp dated 28 November 2005, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a detailed landscaping plan, including a list of plant, the landscaping and reticulation of the William Street, Alma Road and Forrest Street verges adjacent to the subject property and the 'public access park and garden', a minimum of two new mature trees adjacent to Alma Road, and the retention of the existing on-site mature Cape Lilac tree on the eastern side and the "20 metres" high tree on the north-western side of the development, 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). The retention of these two mature trees shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) prior to the first occupation of the development four (4) visitors car parking bays, 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;*
- (iv) 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";

- (v) *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;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate adjacent to the Forrest Street boundary and Alma Road boundary and the main building, including along the eastern side boundary within these front setback areas, complying with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balustrading of all balconies on all sides, except where it abuts the main building wall, being of clear glass material. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (viii) *prior to the issue of a Building Licence, designs for art work(s) on the south western wall facing William Street shall be submitted to and approved by the Town. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (ix) *the proposed pool does not form part of this Planning Approval and is subject to a separate Swimming Pool Licence being submitted to and approved by the Town.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Journalist - Mark Fletcher left the meeting at 9.03pm.

Moved Cr Chester, Seconded Cr Farrell

That clause (vii) be deleted and a new clause (vii) inserted as follows:

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

- (a) the setback from Alma Road to the balconies being 6 metres;*
- (b) the applicant articulate the Alma Road building frontage to significantly reduce its impact on the Alma Road streetscape;*
- (c) the balustrading to all balconies, except where it abuts the building, being of clear glass material.*

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

The Presiding Member ruled that he could not accept Cr Chester’s amendment as it negates the intention of the recommendation.

MOTION WAS PUT AND NOT CARRIED
AS AN ABSOLUTE MAJORITY WAS NOT ACHIEVED (4-3)

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

(Crs Ker and Messina on leave of absence.)

Landowner:	Nonathy Pty Ltd
Applicant:	B Brackenridge Architect
Zoning:	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Multiple Dwellings
Use Class:	Mutiple Dwelling
Use Classification:	"P"
Lot Area:	2028 square metres
Access to Right of Way	N/A

BACKGROUND:

The subject planning application involves alterations and additions to the existing 24 single bedroom multiple dwellings, resulting in 12 two bedroom and 12 three bedroom multiple dwellings and is similar to the proposal conditionally approved by the Council at its Ordinary Meeting held on 10 February 2004 and 11 May 2004.

DETAILS:

Approval is sought for the reconsideration and deletion of the following condition:

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

- (a) the setback from Alma Road to the balconies being 6 metres; and
- (b) the applicant articulate the Alma Street building frontage to significantly reduce its impact on the Alma Street streetscape.

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

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Setbacks - Alma Road	6.0 metres	3.5 metres to balcony (6.2 metres to main building wall)	Supported- refer to 'Comments'.
All other variations not stated as the subject plans are similar to the previously approved plans and do not result in any greater variation to the development requirements from the previously approved plans.			
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

In addressing the impact of the proposed reduced setback, in summary, the applicant is proposing a landscaped 'public access area' at the south-west corner of the subject lot, the planting of a mature native tree and the commissioning of public art to be incorporated on the blank south western wall facing William Street.

The following is also noted from the applicant's submission:

- the balconies are varied in shape, cantilevered and are of glass balustrading and therefore, reducing the perceived bulk and scale of the structures;
- the bedrooms are setback 8.7 metres and therefore, the staggering of setbacks reduces the buildings impact on the streetscape;
- the proposed location of the balcony promotes energy efficiency design; and

- while the 6.0 metre setback is achievable by relocating the balconies in front of bedroom 1, this would create a 'flat box like' façade along the William Street (as demonstrated in plans '*Laid on the Table*').

With regards to the articulation of the Alma Street frontage, it is considered that this has been achieved via the staggering of setbacks, the varying of the balconies shapes, the 'light weight' glass balustrading, the proposed 'public access park and garden' and the planting of the mature native tree.

In light of the justification provided by the applicant, the new proposed works, the improvements being made to the 1960's brick flats and no objections being received, it is considered that the applicant has demonstrated that the planning application will not unduly affect the amenity and streetscape of the area.

Further to the above, to assist in reducing the impact of the reduced setback, it has been conditioned that the balustrading of all balconies on all sides, except where it abuts the main building wall, be of clear glass material.

Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions, including the deletion of the subject previous condition relating to the Alma Road balconies setback and frontage articulation.

10.1.4 Nos. 639-643 (D/P 1237 Lot 1) Beaufort Street (Corner Grosvenor Road), Mount Lawley - Proposed Alterations, Additions and Balcony to Existing Tavern

Ward:	South	Date:	28 November 2005
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO 0638; 5.2005.3145.1
Attachments:	001		
Reporting Officer(s):	T Durward		
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 S Bruno on behalf of the owner Samic Nominees Pty Ltd for proposed Alterations, Additions and Balcony to Existing Tavern, at Nos. 639-643 (Lot 1) Beaufort Street (corner Grosvenor Road), Mount Lawley, and as shown on amended plans stamp-dated 9 August 2005, subject to:

- (i) the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), shall be responsible for all future maintenance of the balcony structure contained within the Road Reserve;*
- (ii) the Town reserves the right to require the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), to repair and/ or make good the balcony structure at any time;*
- (iii) the Town being indemnified by the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), against any damage, injury or loss, that may be sustained, to persons or property as a result of the balcony structure being placed within the Road Reserve;*
- (iv) the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), shall have adequate public liability insurance to ensure they are covered against any damage, injury or loss, that may be sustained, to persons or property as a result of the balcony structure being located within the Road Reserve;*
- (v) the owner(s) of the property shall advise any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), of their obligations in accordance with clauses/conditions (i), (ii), (iii) and (iv) above;*
- (vi) a written undertaking signed by the owner(s) of the property that they will fully comply with clauses/conditions (i), (ii), (iii), (iv) and (v) above, shall be submitted to and approved by the Town prior to the issue a Building Licence;*
- (vii) to ensure that all footpath and road users are not adversely affected by storm water runoff from the proposed balcony structure, detailed design plans of the proposed storm water disposal are to be submitted to and approved by the Town's Technical Services prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*

- (viii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$17,472 for the equivalent value of 6.72 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (ix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (x) *a detailed management plan that addresses the control of noise, traffic, car parking, litter, security, complaint handling systems (and including the provision of a telephone complaint line, manned during all hours of operation to all residents within a 200 metres radius of the venue), the house policy on the service of alcohol and anti-social behaviour (to reasonable levels) associated with the existing and proposed development and associated usage of the balcony area, shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained. The management plan shall also address that any justifiable noise issues that arise, as a result of works undertaken, must be addressed in a timely manner to ensure compliance with the Environmental Protection (Noise) Regulations 1997;*
- (xi) *no live or amplified entertainment/music/noise shall occur in the balcony area, at levels unreasonable in accordance with the Environmental Protection (Noise) Regulations 1997;*
- (xii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic access via Beaufort Street and Grosvenor Road, dust control and any other potential nuisance, shall be submitted to and approved by the Town, and thereafter implemented;*
- (xiii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xiv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xv) *the hours of operation of the balcony area shall be limited to 7:00am - 10:00pm Monday to Thursday inclusive, 7:00am - 1:00am the next day Friday to Saturday inclusive and 10:00am - 10:00pm Sunday. The hours of operation are approved for a period of twelve (12) months from date of issue of this Planning Approval and subject to review at the completion of this timeframe;*
- (xvi) *the total public floor area of the Tavern component, including the balcony area, shall be limited to a maximum of 484 square metres;*
- (xvii) *prior to first occupation of the development, the owner(s) and/or occupier(s) shall seek the approval of the Town's Health Services for confirmation of approved accommodation numbers for the upper floor component of the Tavern, with the maximum accommodation numbers being 250 people for the ground floor component of the Tavern;*

(xviii) prior to first occupation of the development, documentation and plans shall be submitted and approved demonstrating the following:

- (a) all external glazing, including the screen on the balcony to be a minimum of 10 millimetres thick laminated glass in a fixed frame. The frame is to be either solid hardwood or commercial grade aluminium;*
- (b) doors to balconies are to have the above mentioned glazing and frames, as well as acoustic door seals equivalent to Raven RP47 (perimeter), RP70 (bottom) and RP71 (astragal) and a self closing mechanism (design specified in Figure 5.1 of the Acoustic Assessment report dated December 2004 prepared by Lloyd Acoustics). The doors are to be manned to ensure these are not held open;*
- (c) the roof/ceiling construction is to be sheet metal with 2 layers of 16 millimetres thick Fyrchek plasterboard suspended beneath and insulation overlaid above plasterboard. There are to be no penetration in the plasterboard (sound ceiling). If light fixtures and/or speakers are preferred in the ceiling, and additional, architectural ceiling will be required beneath where penetrations are permitted;*
- (d) sound limiting system to be installed and initially set to a sound pressure level of 95dBA or less;*
- (e) tables to be placed against the southern side of the balcony where there is no acoustic screen or alternatively extend the acoustic screen to cover the entire balcony' southern side;*
- (f) the ceiling of the balcony to be lined with absorbent material to minimise reflective noise. The material can be insulation, either plain or covered with an open material (perforated plasterboard, plywood, open slates and the like); and*
- (g) a 'Certificate of Compliance' upon completion of all the above acoustic works. The Certificate must state that all of the above conditions relating to the acoustic report have been complied with;*

The documentation and plans shall not result in any greater variations to the Towns Policies;

(xix) prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or the Western Australian Planning Commission, whichever is appropriate, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town; and

(xx) prior to the first occupation of the development, two (2) class 1 or 2 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.

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Farrell

That clauses (viii), (xvii) and (xviii)(c) be amended and clauses (xxi) and (xxii) be added as follows:

"(viii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of ~~\$17,472~~ \$20,072 for the equivalent value of ~~6.72~~ 7.72 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;

(xvii) prior to first occupation of the development, the owner(s) and/or occupier(s) shall ~~seek the approval~~ apply and obtain a Certificate of Maximum Accommodation from of the Town's Health Services ~~for~~ after confirmation of approved accommodation numbers for the upper floor component of the Tavern, with the maximum accommodation numbers being 250 people for the ground floor component of the Tavern;

(xviii) (c) the roof/ceiling construction is to be sheet metal with 2 layers of 16 millimetres thick Fyrchek plasterboard or its equivalent suspended beneath and insulation overlaid above plasterboard. There are to be no penetration in the plasterboard (sound ceiling). If light fixtures and/or speakers are preferred in the ceiling, ~~and~~ additional, architectural ceiling will be required beneath where penetrations are permitted;

(xxi) the new escape stairs shall only be used as an emergency escape and not used as an entry or exit during normal business hours; and

(xxii) prior to first occupation of the development, the 'Tow Away Zone' and associated signs at the rear of the subject site adjacent to the car parking bays, shall be removed so the car parking bays are available for patrons and employees of the subject venue."

AMENDMENT CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

Moved Cr Chester, Seconded Cr Farrell

That;

1. delete subclause (xviii)(d) and renumber the remaining subclauses;

2. *amend clause (x) to read as follows:*

"(x) a detailed management plan that addresses the control of noise, traffic, car parking, litter, security, complaint handling systems (and including the provision of a telephone complaint line, manned during all hours of operation to all residents within a 200 metres radius of the venue), the house policy on the service of alcohol and anti-social behaviour (to reasonable levels) associated with the existing and proposed development and associated usage of the balcony area, shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained. The management plan shall also address that any justifiable noise issues that arise, as a result of works undertaken, must be addressed in a timely manner to ensure compliance with the Environmental Protection (Noise) Regulations 1997. The management plan is to include the provision of two crowd control officers who will patrol a 50 metres radius of the venue on Friday and Saturday evenings 1 hour prior to closing time and 30 minutes after closing time;"; and

3. *add new subclause (xviii)(g) and clause (xxiii) as follows:*

"(xviii) (g) the sound attenuation measures are approved for a period of six (6) months from date of issue of this Planning Approval and subject to review at the completion of this timeframe;

(xxiii) full compliance with the conditions issued by the Director of Liquor Licensing, and the Town reserves the right to request the Director to review the Friday and Saturday evening closing times should problems be substantiated."

AMENDMENT CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

MOTION AS AMENDED CARRIED (4-3)

(Crs Ker and Messina on leave of absence.)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Bruno on behalf of the owner Samic Nominees Pty Ltd for proposed Alterations, Additions and Balcony to Existing Tavern, at Nos. 639-643 (Lot 1) Beaufort Street (corner Grosvenor Road), Mount Lawley, and as shown on amended plans stamp-dated 9 August 2005, subject to:

- (i) the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), shall be responsible for all future maintenance of the balcony structure contained within the Road Reserve;*
- (ii) the Town reserves the right to require the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), to repair and/ or make good the balcony structure at any time;*

- (iii) *the Town being indemnified by the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), against any damage, injury or loss, that may be sustained, to persons or property as a result of the balcony structure being placed within the Road Reserve;*
- (iv) *the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), shall have adequate public liability insurance to ensure they are covered against any damage, injury or loss, that may be sustained, to persons or property as a result of the balcony structure being located within the Road Reserve;*
- (v) *the owner(s) of the property shall advise any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), of their obligations in accordance with clauses/conditions (i), (ii), (iii) and (iv) above;*
- (vi) *a written undertaking signed by the owner(s) of the property that they will fully comply with clauses/conditions (i), (ii), (iii), (iv) and (v) above, shall be submitted to and approved by the Town prior to the issue a Building Licence;*
- (vii) *to ensure that all footpath and road users are not adversely affected by storm water runoff from the proposed balcony structure, detailed design plans of the proposed storm water disposal are to be submitted to and approved by the Town's Technical Services prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*
- (viii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$20,072 for the equivalent value of 7.72 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (ix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (x) *a detailed management plan that addresses the control of noise, traffic, car parking, litter, security, complaint handling systems (and including the provision of a telephone complaint line, manned during all hours of operation to all residents within a 200 metres radius of the venue), the house policy on the service of alcohol and anti-social behaviour (to reasonable levels) associated with the existing and proposed development and associated usage of the balcony area, shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained. The management plan shall also address that any justifiable noise issues that arise, as a result of works undertaken, must be addressed in a timely manner to ensure compliance with the Environmental Protection (Noise) Regulations 1997. The management plan is to include the provision of two crowd control officers who will patrol a 50 metres radius of the venue on Friday and Saturday evenings 1 hour prior to closing time and 30 minutes after closing time;*
- (xi) *no live or amplified entertainment/music/noise shall occur in the balcony area, at levels unreasonable in accordance with the Environmental Protection (Noise) Regulations 1997;*

- (xii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic access via Beaufort Street and Grosvenor Road, dust control and any other potential nuisance, shall be submitted to and approved by the Town, and thereafter implemented;*
- (xiii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xiv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xv) *the hours of operation of the balcony area shall be limited to 7:00am - 10:00pm Monday to Thursday inclusive, 7:00am - 1:00am the next day Friday to Saturday inclusive and 10:00am - 10:00pm Sunday. The hours of operation are approved for a period of twelve (12) months from date of issue of this Planning Approval and subject to review at the completion of this timeframe;*
- (xvi) *the total public floor area of the Tavern component, including the balcony area, shall be limited to a maximum of 484 square metres;*
- (xvii) *prior to first occupation of the development, the owner(s) and/or occupier(s) shall apply and obtain a Certificate of Maximum Accommodation from the Town's Health Services after confirmation of approved accommodation numbers for the upper floor component of the Tavern, with the maximum accommodation numbers being 250 people for the ground floor component of the Tavern;*
- (xviii) *prior to first occupation of the development, documentation and plans shall be submitted and approved demonstrating the following:*
 - (a) *all external glazing, including the screen on the balcony to be a minimum of 10 millimetres thick laminated glass in a fixed frame. The frame is to be either solid hardwood or commercial grade aluminium;*
 - (b) *doors to balconies are to have the above mentioned glazing and frames, as well as acoustic door seals equivalent to Raven RP47 (perimeter), RP70 (bottom) and RP71 (astragal) and a self closing mechanism (design specified in Figure 5.1 of the Acoustic Assessment report dated December 2004 prepared by Lloyd Acoustics). The doors are to be manned to ensure these are not held open;*
 - (c) *the roof/ceiling construction is to be sheet metal with 2 layers of 16 millimetres thick Fyrchek plasterboard or its equivalent suspended beneath and insulation overlaid above plasterboard. There are to be no penetration in the plasterboard (sound ceiling). If light fixtures and/or speakers are preferred in the ceiling, and additional, architectural ceiling will be required beneath where penetrations are permitted;*
 - (d) *tables to be placed against the southern side of the balcony where there is no acoustic screen or alternatively extend the acoustic screen to cover the entire balcony's southern side;*

- (e) *the ceiling of the balcony to be lined with absorbent material to minimise reflective noise. The material can be insulation, either plain or covered with an open material (perforated plasterboard, plywood, open slates and the like);*
- (f) *a 'Certificate of Compliance' upon completion of all the above acoustic works. The Certificate must state that all of the above conditions relating to the acoustic report have been complied with;*
- (g) *the sound attenuation measures are approved for a period of six (6) months from date of issue of this Planning Approval and subject to review at the completion of this timeframe;*

The documentation and plans shall not result in any greater variations to the Towns Policies;

- (xix) *prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or the Western Australian Planning Commission, whichever is appropriate, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town;*
- (xx) *prior to the first occupation of the development, two (2) class 1 or 2 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 new escape stairs shall only be used as an emergency escape and not used as an entry or exit during normal business hours;*
- (xxii) *prior to first occupation of the development, the 'Tow Away Zone' and associated signs at the rear of the subject site adjacent to the car parking bays, shall be removed so the car parking bays are available for patrons and employees of the subject venue; and*
- (xxiii) *full compliance with the conditions issued by the Director of Liquor Licensing, and the Town reserves the right to request the Director to review the Friday and Saturday evening closing times should problems be substantiated.*

AMENDED ASSESSMENT TABLE:

Car Parking	
Car parking requirement (nearest whole number) -Tavern - 483.9 square metres requires 127 car bays	127 car bays
Apply the adjustment factors.	(0.612)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) ▪ 0.90 (within a District Centre zone) 	77.72 car bays
Minus car parking provided on-site	<u>3</u> car bays
Plus the most recently approved on-site car parking shortfall.	68 car bays
Resultant shortfall	6.72 <u>7.72</u> car bays

ADDITIONAL INFORMATION

Acoustic Report

An acoustic report (by Lloyd Acoustics), as requested by the Town for the previously granted Planning Approval, was submitted on 31 January 2005. The report notes that no speakers will be located on or within 3 metres of an opening to the balcony and found that the assigned levels of the Environmental Protection (Noise) Regulations 1997 would be complied with (“marginally”).

The report makes several recommendations to reduce the impact of noise on the surrounding area and these are included in the ‘Officer Recommendation.’

Health Services Comments

The Town's Health Services have advised that the applicant is to ensure that all of the operational and design measures contained in the acoustic report are implemented, prior to the proposed area of the building being made available for use by patrons.

In addition, the applicant must also provide the Town’s Health Services with a ‘*Certificate of Compliance*’ upon completion of all the above acoustic works. The certificate must state that all of the conditions relating to the acoustic report have been complied with.

The applicant is also required to provide the Town’s Health Services with a ‘*Venue Management Plan*’ that addresses operational matters relating to noise control, litter control (including needles and syringes), anti-social behaviour control and security, complaint handling systems (to include the provision of a complaint telephone line, manned during all hours of operation to all residents within a 200 metres radius of the venue), and the house policy on the service of alcohol.

The Town's Health Services requirements are included in the ‘Officer Recommendation.’ Furthermore, an additional recommended condition is included above to ensure there is a patrol by crowd control officers within a 50 metres radius of the venue on Friday and Saturday evenings 1 hour prior to closing time and 30 minutes after closing time.

Landowner:	Samic Nominees Pty Ltd
Applicant:	S Bruno
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Tavern
Use Class:	Tavern
Use Classification:	"SA"
Lot Area:	698 square metres
Access to Right of Way	West side, 4 metres wide, sealed, privately owned

BACKGROUND:

12 April 2005 The Council at its Ordinary Meeting held on 12 April 2005 resolved to conditionally approve proposed alterations, additions and balcony to existing tavern.

DETAILS:

The proposal involves an amendment to the previously approved plans. The details of the previously approved plans are detailed below; this is taken verbatim from the Agenda Report determined at the Ordinary Meeting of Council held on 12 April 2005:

"The proposal involves refurbishment of the first floor with a balcony addition facing Grosvenor Road.

The proposal includes a skillion roofed balcony extending for 23.255 metres along the Grosvenor Road frontage on the southern elevation to a height of approximately 8.6 metres to the top of the eaves and 9.7 metres to the top of the roof pitch, above the adjacent footpath level. The balcony will be supported by columns and enclosed on the west and for a portion of the south elevation.

The existing parapet wall on the upper floor is proposed to be extended along the southern boundary for 19.8 metres; it replicates the existing inter-war art deco style. New external stairs are proposed at the rear of the building. The stairs connect with an entry at the western end of the proposed balcony structure.

The new alfresco area contained within the balcony is 70 square metres in area. The interior of the existing function room is to be modified to include a bar, lounge area, additional floor space for toilets (the existing toilets are to be removed) and the stairwell will be reconfigured. These changes do not affect the exterior aesthetic of the existing building."

The inside bar area is currently proposed to increase from 110 square metres to 131 square metres, which includes an extension to the previously approved plans along the southern elevation for 11 metres and proposes new toilets at the end of this extension. The outside balcony area is proposed to be reduced from 70 square metres to 66.5 square metres. The toilets previously approved along the northern elevation are proposed to be removed.

The north eastern portion of the ground floor is also proposed to be amended to reflect a new stairwell to accommodate the increase in floorspace and proposed balcony area on the first floor. New decorative columns and bollards are proposed along the alfresco area on the ground floor to support the proposed balcony.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Mount Lawley Centre Precinct Statement: Balconies over footpaths	Post or column supports are not to be permitted.	New decorative columns proposed along Grosvenor Road frontage to support Balcony.	Supported - existing structure will not support a cantilevered or suspended balcony and Technical Services have previously supported the balcony with columns proposal.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
Car parking requirement (nearest whole number) -Tavern - 483.9 square metres requires 127 car bays	127 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) ▪ 0.90 (within a District Centre zone) 	(0.612) 77.72 car bays
Minus car parking provided on-site	3 car bays
Plus the most recently approved on-site car parking shortfall.	68 car bays
Resultant shortfall	6.72 car bay

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

Bicycle Parking Facilities

Requirements	Required	Provided
Hotel 1 per 25 (proposed 39.5) square metres bar floor area for employees (class 1 or 2).	1.58 spaces	No class 1 or 2 facilities provided.
1 space per 25 square metres of gross floor area (Class 3).	19.36 spaces	No class 3 facilities provided

The Town's Parking and Access Policy requires the provision of Bicycle Parking Facilities for relevant commercial uses. The proposed development requires the provision of 2 class 1 or 2 bicycle parking bays, being 1.58 spaces rounded to the nearest whole number, and 19 class 3 bicycle parking bays, being 19.36 spaces rounded to the nearest whole number.

The Town's Officers consider it unreasonable to include a requirement for 19 class 3 bicycle parking bays within a site that cannot accommodate the required bays. It is however, considered appropriate, and pursuant with the principles of integrated transport use and sustainability, for 2 class 1 or 2 bicycle parking facilities to be provided on-site for the use of employees of the subject premises.

COMMENTS:

Heritage

The Town referred the previous proposal to Heritage Council of WA (HCWA) for comment. The HCWA advised that the parapet wall and verandah are considered inappropriate extensions to the existing building. Amended plans were submitted which reduced the impact of the proposal, including the removal of a bull-nosed verandah design that was considered inappropriate by HCWA. The revised plans submitted as part of the previous application, which design is reiterated in the new proposed plans, are considered acceptable.

Cash-In-Lieu of Car Parking

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

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

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

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

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/06 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

Officer Recommendation

The conditions included in the Officer Recommendation are a verbatim copy of those from the Minutes of the previous Council resolution adopted at its Ordinary Meeting held on 12 April 2005, with the addition of a condition requiring cash-in-lieu of car parking contribution in light of the increase in floorspace, the removal of condition (viii) (which related to approval of Engineering, Health and Building requirements, which has since been removed by the Town as a standard condition), the addition of a condition for provision of class 1 or 2 bicycle parking facilities and amendment of condition (xvi) to reflect the increase in floorspace.

Summary

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

10.1.11 No. 503 (Lot 9 D/P: 44862) Fitzgerald Street, North Perth - Proposed Demolition of Existing Garage and Carport and Construction of Additional Two (2) Two-Storey Single Houses and Street Wall and Gates to Existing Single House

Ward:	North	Date:	30 November 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO2787; 5.2005.3241.1
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 M Sipe on behalf of the owner M Sipe and D Rhodes for proposed Demolition of Existing Garage and Carport and Construction of Additional Two (2) Two-Storey Single Houses and Street Wall and Gates to Existing Single House, at No. 503 (Lot 9 D/P: 44862) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 17 October 2005, subject to:

- (i) subject to first obtaining the consent of the owners of No. 505 Fitzgerald Street and No. 2 Sholl Lane for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 505 Fitzgerald Street and No. 2 Sholl Lane in a good and clean condition;*
- (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 Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) 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); and*
- (v) the existing fence adjacent to Fitzgerald Street shall be removed and replaced with street fence/wall and gates as shown on the approved plans stamp dated 17 October 2005, Or incorporate 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.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Cr Farrell departed the Chamber at 9.22pm.

Debate ensued.

CARRIED (4-2)

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

Landowner:	M Sipe & D Rhodes
Applicant:	M Sipe
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	670 square metres
Access to Right of Way	West side, 5 metres wide, sealed, Town of Vincent owned

BACKGROUND:

24 May 2005 The Council at its Ordinary Meeting granted conditional approval to proposed demolition of existing garage and carport and construction of additional two (2) two-storey single houses and street wall and gates to existing single house (Item 10.1.11).

DETAILS:

The proposal involves additional two (2) two-storey single houses to existing single house at No. 503 (Lot 9) Fitzgerald Street, North Perth.

The Council previously granted conditional approval for proposed demolition of existing garage and carport and construction of additional two (2) two-storey single houses and street wall and gates to existing single house at the subject property. That development application proposed a plot ratio of 0.64.

The approved front fencing adjacent to Fitzgerald Street proposed four gates (including an electronic sliding gate) constructed of cedar "hit and miss" panels to 1.8 metres between 1.978 metres high brick piers. The remaining fence proposed to be solid brick to 1.29 metres, brick piers to 1.978 metres high, and "hit and miss" cedar infill panels to 1.8 metres.

The previous application proposed the demolition of the existing garage and carport. These structures have not yet been demolished.

The applicant now seeks approval for additional two (2) two-storey single houses to existing single house at the subject property with a plot ratio of 0.66. This additional plot ratio is mainly due to the extension of the entry on the ground floor, and the inclusion of a sitting room and reconfiguration of ensuites and walk in robes on the upper floor.

A site inspection on 21 November 2005 indicated that a solid street fence has been constructed partially along the property front boundary. This has been addressed in the Officer Recommendation.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65	0.66	Supported - proposed development fronts a right of way, therefore no undue impact on streetscape or surrounding amenity and plot ratio is consistent with the plot ratio of development on No. 2 and No. 4 Sholl Lane.
All other variations are not stated as the subject plans are similar to the previously approved plans and do not result in any greater variation to the development requirements from the previously approved plans except for the plot ratio being proposed at 0.66 instead of 0.64 as addressed above.			
Consultation Submissions			
Support	Nil		Noted
Objection (2)	<ul style="list-style-type: none"> • Overshadowing • Feeling of confinement as a result of 2 storey wall 		<p>Not supported - overshadowing is compliant with Solar Access requirements of the Residential Design Codes (R Codes).</p> <p>Not supported - setback variation is considered minor and do not have an undue impact on affected neighbour. Similar setback variation was approved by Council at its Ordinary Meeting held on 24 May 2005.</p>

	<ul style="list-style-type: none"> • Setbacks • Newly built front fence does not appear to comply with plans sited. 	<p>Not supported - setback variations are considered minor and do not have an undue impact on affected neighbours. Similar setback variations were approved by Council at its Ordinary Meeting held on 24 May 2005.</p> <p>Supported - addressed in Officer Recommendation.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

The variation to plot ratio is considered to be supportable, consistent with the established streetscape and not to have undue impact on the adjoining neighbours and streetscape.

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

10.1.12 No. 62 (Lot 99 D/P: 3784) Redfern Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	North	Date:	29 November 2005
Precinct:	North Perth; P8	File Ref:	PRO3292; 5.2005.3112.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
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 Delstrat Pty Ltd on behalf of the owner B & T Dilabio for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 62 (Lot 99 D/P: 3784) Redfern Street, North Perth, and as shown on plans stamp-dated 16 August 2005 (floor plans and elevations), 16 September 2005 (site and overshadowing plans) and 4 October 2005 (first floor setbacks) subject to:

- (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 Redfern 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 eastern alfresco wall being setback a minimum 1.5 metre from this boundary;*
 - (b) *the average height of the building being a maximum of 6 metres average to the height of the building, to the top of external wall; and*
 - (c) *the front setback being a minimum of 6 metres to the garage and 5.72 metres to the first floor balcony.*

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

- (iv) *subject to first obtaining the consent of the owners of No. 66 Redfern 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. 66 Redfern Street in a good and clean condition;*
- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 on the western elevation and to bedroom 3 on the eastern elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
- (vi) *prior to the issue of a Building Licence, the removal and replacement of the street verge tree affected by the development, shall be organised through the Town's Parks Services and all costs associated with the removal and replacement shall be paid by the owner(s)/applicant;*
- (vii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (viii) *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*
- (ix) *the proposed pool to the rear of the site is not part of this approval, a separate Swimming Pool Licence shall be applied to and obtained from the Town prior to the installation of the pool.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Chester departed the Chamber at 9.24pm.

Cr Farrell returned to the Chamber at 9.24pm.

Cr Chester returned to the Chamber at 9.25pm.

Moved Cr Maier , Seconded Cr Torre

That the Item be DEFERRED to allow the applicant to further discuss the proposal with the Town's Officers.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

Landowner:	B & T Dilabio
Applicant:	Delstrat Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	556 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: South (front) - garage	6.0 metres	4.5 metres	Not supported – as the development is constructed from new and there is sufficient area to the rear of the house, a setback of 6 metres should be required, as conditioned in the Officer Recommendation.

- balcony	6 metres	4.22 metres	Not supported – as above, with the garage being setback to 6 metres, the balcony will have a setback of 5.72 metres, this variation is commonly supported by the Town's Officers. As conditioned in the Officer Recommendation.
West - ground floor	1.5 metres	<ul style="list-style-type: none"> • Nil to garage. • 1 metre to kitchen and family (no major openings). • 1.5 metres to guest bedroom. 	Supported – minor variation with no undue impact on adjoining property.
- first floor	2.1 metres	<ul style="list-style-type: none"> • 1.5 metres to bedrooms 1 and 2 and ensuite. • 2.1 metres to robe and window to bed 2. 	Supported – no major openings to west wall and with no undue shade cast on the adjacent western property, the proposed variation is considered to have no undue impact on this property.
East - ground floor	1.5 metres	<ul style="list-style-type: none"> • Nil to alfresco. • 1.5 metres to balance of wall. 	Not supported – objection from adjoining owner submitted for building on the eastern boundary, the alfresco wall is recommended to be setback 1.5 metres from this boundary, refer to Officer Recommendation.
- first floor	2.2 metres	<ul style="list-style-type: none"> • 1.5 metres to bedroom 3 and retreat. • 2.1 metres to bathroom. 	Supported - no major openings to east wall and with no undue shade cast on the adjacent eastern property, the proposed variation is considered to have no undue impact on this property.

Maximum Building Height: East	6 metres to top of external wall.	Average height of 6.5 metres to top of external wall.	Not supported – objection from adjoining neighbour received for height variation, conditioned to comply in Officer Recommendation.
Building on Boundary	Building up to one (1) boundary.	Built on two (2) boundaries – east and west.	Not supported – objection from eastern neighbour received for the building on boundary, with support from adjoining property owner to the west received. It is recommended that the western building on boundary remain, with the eastern wall being set back 1.5 metres, as conditioned in Officer Recommendation.
Height of Retaining Wall	Retaining walls not to exceed 0.5 metre in height.	Retaining walls up to 1.5 metres on the eastern and western boundaries.	Supported – refer to “Comments”
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> • In support of the proposed house with the demolition of the existing house. • The proposed dwelling will fit perfectly into the street with its timeless style of architecture. 		Noted Noted
Objection (1)	<ul style="list-style-type: none"> • Should adhere to the regulations specifically in terms of building height as the subject property is approximately 2 metres higher than the adjoining eastern property. • Concerned about how the eastern boundary wall will impinge the future development of the eastern property. 		Supported – conditioned to comply in the Officer Recommendation. Supported – conditioned to be setback in the Officer Recommendation.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Heritage

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

The subject place at No. 62 Redfern Street is an elevated single storey weatherboard and iron dwelling believed to have been constructed c1923. The place is representative of a weatherboard dwelling constructed during the Inter-War period in North Perth.

Alterations have been made to the rear of the dwelling with the enclosure of the verandah to accommodate another bedroom and the extension of a rear skillion to accommodate a bathroom and kitchen, diminishing the authenticity of the place.

The place has *little* aesthetic, historic, social or scientific value and does not meet the minimum requirement for entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

Height of Retaining Wall

The natural ground level of the subject site has a significant upward gradient from the front of the site, to 6 metres higher at the rear. Considering this, the design of a house on such a slope is difficult without cutting and filling and the need to retain the natural ground. Subsequently, the applicants propose retaining walls along the eastern and western boundaries of up to 1.5 metres.

The proposed retaining wall height variation was not included in the variation table during advertising, however details are provided on the plans. Therefore, the Town's Officers support the retaining of the site, as shown on the attached site plan.

Summary

The variations sought by the applicant (except those relating to building height and two buildings on boundary which are addressed in the Officer Recommendation) are supportable, and do not have an undue impact on the adjoining properties or surrounding streetscape.

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

10.1.16 Amendment No. 25 to Planning and Building Policy Manual - Appendix No.16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pental Lane, Perth

Ward:	South	Date:	30 November 2005
Precinct:	Beaufort, P13	File Ref:	PLA0140
Attachments:	001		
Reporting Officer(s):	H Coulter, Y Millar		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Policy Relating to Appendix No.16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pental Lane, Perth, as shown in Attachment 10.1.16;*
- (ii) *ADVERTISES the Draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pental Lane, Perth, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - © *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pental Lane, Perth, having regard to any written submissions; and*
 - (b) *determines the draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pental Lane, Perth, with or without amendment, to or not to proceed with them.*

Moved Cr Lake, Seconded Cr Torre

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

- "(iv) *AMENDS the Draft Policy relating to Appendix No.16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pental Lane, Perth as shown in Attachment 10.1.16, prior to clauses (i), (ii) and (iii) above being actioned by:*

(a) *amending heading 3 as follows:*

3) ~~CHARCATERISTICS~~ **CHARACTERISTICS**

(b) *amending clause 5 as follows:*

5) i) **SITE PLANNING**

d) *Plot Ratio - Plot ratio provisions for residential development are to be in accordance with ~~the Residential Design Codes R160~~ pertaining to the Residential Design Codes however, the Town of Vincent may consider variations. ~~Non-residential floorspace is silent in this respect.~~*

f) *Façade and Interface - Buildings are to have nil setbacks to the front, side and rear boundaries and the Fitzgerald Street road widening line to create an urban edge.....*

h) *Car Parking - Car parking bays are to be provided in accordance with the Town Planning Scheme, the Town's Policy relating to Parking and Access Policy..*

j) *Total Open and Personal Outdoor Space and External Amenities - Open space provision is to be generally in accordance with Residential R160 pertaining to the Residential Design Codes however, the Town of Vincent may consider variations in the context of the development's proximity to Robertson Park. The provision of private open space for all residential dwellings is to be highly functional, well-designed and where possible, located to capture views. ~~The provision of total open space is to be considered in the context of the development's proximity to Robertson Park and the Town of Vincent will consider variations in this respect.~~*

Debate ensued.

Cr Torre departed the Chamber at 9.27pm.

Moved Cr Lake, Seconded Cr Maier

That;

1. *a new clause (iv)(a) be inserted as follows and the remaining clauses renumbered:*

“(iv) (a) *amending the heading of the Policy as follows:*

“DESIGN GUIDELINES FOR THE HALF STREET BLOCK AREA BOUNDED BY FITZGERALD, NEWCASTLE (ALL LOTS BETWEEN PALMERSTON AND FITZGERALD STREETS) AND STUART STREETS AND PENDAL LANE, PERTH”

2. *clause (iv)(c) paragraph (j) be amended to include the words “and sunlight” after the word “views”;*

Debate ensued.

AMENDMENT CARRIED (6-0)

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

Moved Cr Maier, Seconded Cr Lake

That new clauses (iv)(d), (e) and (f) be inserted as follows and the remaining clauses renumbered:

“(iv) (d) *amending clause 1 as follows:*

“1) **INTRODUCTION**

These Guidelines apply to all land within the development area bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth.”

(e) *amending clause 2 as follows:*

“2) **CONTEXT**

The half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Street and Pandal Lane covers an area just over 2 hectares. It is characterised by a variety of semi-industrial and commercial uses fronting Newcastle Street and ~~Miss Maud's head office and bakehouse, warehouses and a large recently vacated piece of land fronting Fitzgerald Street and backing onto Pandal Lane.~~

(f) *amending clause 5 as follows:*

“5) **DESIGN FEATURES**

i) b) *Density and Mix - The street block is located within a transitional area characterised by a wide variety of uses. The remaining semi-industrial and commercial service uses are expected to relocate and be replaced by appropriate inner-city uses. These will be characterised by:*

- *Mixed use, minimum 50 per cent residential (commensurate with R160 density) and compatible commercial and non-residential uses;*
- *Contemporary robust buildings, containing a variety of housing types to meet differing household types; and*
- *~~Opportunity for an eating house fronting Stuart Street and overlooking Robertson Park; and~~*
- *Opportunity for affordable housing.*

f) *Façade and Interface Buildings are to have nil setbacks to the front, side and rear boundaries, and the Fitzgerald Street road widening to create an urban edge line, with the exception of Stuart Street, where a setback requirement of at least 1.5 metres from Stuart Street on the ground floor is required.*

k) *Landscaping and Public Art - High quality landscaping is to be provided to all hard and soft areas. In this respect, landscaping to the Stuart Street properties is to recognise and carry through the known layers of history relevant to this area, in particular, the seasonal wetland, former Chinese market gardens and the Aboriginal heritage trail. The Town's Community Development and Parks and Heritage Services will be able to provide information in this respect. Likewise, there are a myriad of focus for public art interpretation. The Town's Policy Relating to Public Art should be referred to.*

l) *Sound Attenuation and Proximity to Commercial and Entertainment Uses - Noise attenuation in inner city and urban areas is critical to ensure the harmonious co-existence of a mix of land uses. The East Perth Redevelopment Authority, in New Northbridge, have prepared comprehensive measures addressing noise intrusion, for developments that receive noise, and noise emissions, for developments that emit noise. Similarly, new developments within the Guidelines area will be required to prove sound attenuation at the planning stage with a view to the following aspects:*

- *Identifying and addressing existing noise sources;*
- *Designing building layout taking into consideration identified noise emitters; and*
- *The incorporation of appropriate noise attenuation measures at the time of construction to minimise the intrusion and emission of noise, whatever the case may be.*

The Town may require that acoustic reporting and noise management plans demonstrating the level of acoustic measures, are taken into account in the design of the building to reduce and/or minimise noise intrusion and/or emissions prior to the issue of a Building Licence for the development and that any management plans and measures be maintained and on-going.

- l) Sound Attenuation - A development objective is to facilitate good quality and well-designed buildings for residential, commercial and mixed-use purposes. In doing so, it is acknowledged that certain measures may need to be taken to minimise any adverse effect on amenity, particularly residential. In addition to land uses, the impact caused by other associated noise sources such as machinery/infrastructure, needs to be taken into account. In this regard, the Town may, where appropriate, seek alterations to plans to limit the impact of noise on a development, or impose conditions to reduce the level of noise emitted and/or received by a development. Any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise sensitive uses must:
- Be designed, orientated and constructed to include noise attenuation measures such as appropriate glazing of windows, position balconies having regard for noise sources, minimise window areas facing a noise source and designating certain areas within the building layout for less noise sensitive uses or activities.
 - Consider the incorporation of ducted air conditioning and/or ventilation systems in consultation with an acoustic consultant.
 - Have walls, roofs, external glazing and doors and the air conditioning or ventilation systems designed by a qualified acoustic consultant, who must certify that the incorporation of the design features recommended by the consultant will achieve a satisfactory level of sound attenuation. Any application for residential or other noise sensitive uses, as determined by the Town, will need to be accompanied by an acoustic report prepared by a qualified acoustic (noise) consultant.

For further information regarding sound attenuation, it is recommended that applicants refer to Australian Standard AS-NZS2107:2000 - Acoustics -Recommended Design Sound Levels and Reverberation Times for Building Interiors."

Debate ensued.

AMENDMENT CARRIED (6-0)

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

MOTION AS AMENDED CARRIED (6-0)

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

COUNCIL DECISION ITEM 10.1.16

That the Council;

- (i) ***RECEIVES the Draft Policy Relating to Appendix No.16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.16;***
- (ii) ***ADVERTISES the Draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:***
 - (a) ***advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;***
 - (b) ***where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and***
 - (c) ***forwarding a copy of the subject Policy to the Western Australian Planning Commission; and***
- (iii) ***after the expiry of the period for submissions:***
 - (a) ***REVIEWS the draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, having regard to any written submissions; and***
 - (b) ***determines the draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, with or without amendment, to or not to proceed with them.***
- (iv) ***AMENDS the Draft Policy relating to Appendix No.16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth as shown in Attachment 10.1.16, prior to clauses (i), (ii) and (iii) above being actioned by:***
 - (a) ***amending the heading of the Policy as follows:***

“DESIGN GUIDELINES FOR THE HALF STREET BLOCK AREA BOUNDED BY FITZGERALD, NEWCASTLE (ALL LOTS BETWEEN PALMERSTON AND FITZGERALD STREETS) AND STUART STREETS AND PANDAL LANE, PERTH”
 - (b) ***amending heading 3 as follows:***
 - 3) ***~~CHARCATERISTICS~~ CHARACTERISTICS***
 - (c) ***amending clause 5 as follows:***
 - 5) i) ***SITE PLANNING***
 - d) ***Plot Ratio - Plot ratio provisions for residential development are to be in accordance with ~~the Residential Design Codes R160~~ pertaining to the Residential Design Codes however, the Town of Vincent may consider***

variations. ~~Non-residential floorspace is silent in this respect.~~

- f) Façade and Interface - Buildings are to have nil setbacks to the front, side and rear boundaries and the Fitzgerald Street road widening line to create an urban edge.....*
- h) Car Parking - Car parking bays are to be provided in accordance with the Town Planning Scheme, the Town's Policy relating to Parking and Access Policy..*
- j) Total Open and Personal Outdoor Space and External Amenities - Open space provision is to be generally in accordance with Residential R160 pertaining to the Residential Design Codes however, the Town of Vincent may consider variations in the context of the development's proximity to Robertson Park. The provision of private open space for all residential dwellings is to be highly functional, well-designed and where possible, located to capture views and sunlight. ~~The provision of total open space is to be considered in the context of the development's proximity to Robertson Park and the Town of Vincent will consider variations in this respect.~~*

(d) amending clause 1 as follows:

“1) INTRODUCTION

These Guidelines apply to all land within the development area bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth.”

(e) amending clause 2 as follows:

“2) CONTEXT

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(f) amending clause 5 as follows:

“5) DESIGN FEATURES

- i) b) Density and Mix - The street block is located within a transitional area characterised by a wide variety of uses. The remaining semi-industrial and commercial service uses are expected to relocate and be replaced by appropriate inner-city uses. These will be characterised by:*

- *Mixed use, minimum 50 per cent residential (commensurate with R160 density) and compatible commercial and non-residential uses;*
 - *Contemporary robust buildings, containing a variety of housing types to meet differing household types; and*
 - ~~*Opportunity for an eating house fronting Stuart Street and overlooking Robertson Park; and*~~
 - *Opportunity for affordable housing.*
- f) *Façade and Interface Buildings are to have nil setbacks to the front, side and rear boundaries, and the Fitzgerald Street road widening to create an urban edge line, with the exception of Stuart Street, where a setback requirement of at least 1.5 metres from Stuart Street on the ground floor is required.*
- k) *Landscaping and Public Art - High quality landscaping is to be provided to all hard and soft areas. In this respect, landscaping to the Stuart Street properties is to recognise and carry through the known layers of history relevant to this area, in particular, the seasonal wetland, former Chinese market gardens and the Aboriginal heritage trail. The Town's Community Development and Parks and Heritage Services will be able to provide information in this respect. Likewise, there are a myriad of focus for public art interpretation. The Town's Policy Relating to Public Art should be referred to.*
- l) ~~*Sound Attenuation and Proximity to Commercial and Entertainment Uses - Noise attenuation in inner city and urban areas is critical to ensure the harmonious co-existence of a mix of land uses. The East Perth Redevelopment Authority, in New Northbridge, have prepared comprehensive measures addressing noise intrusion, for developments that receive noise, and noise emissions, for developments that emit noise. Similarly, new developments within the Guidelines area will be required to prove sound attenuation at the planning stage with a view to the following aspects:*~~
- ~~*Identifying and addressing existing noise sources;*~~
 - ~~*Designing building layout taking into consideration identified noise emitters; and*~~
 - ~~*The incorporation of appropriate noise attenuation measures at the time of construction to minimise the intrusion and emission of noise, whatever the case may be.*~~

~~The Town may require that acoustic reporting and noise management plans demonstrating the level of acoustic measures, are taken into account in the design of the building to reduce and/or minimise noise intrusion and/or emissions prior to the issue of a Building Licence for the development and that any management plans and measures be maintained and on-going.~~

l) Sound Attenuation - A development objective is to facilitate good quality and well-designed buildings for residential, commercial and mixed-use purposes. In doing so, it is acknowledged that certain measures may need to be taken to minimise any adverse effect on amenity, particularly residential. In addition to land uses, the impact caused by other associated noise sources such as machinery/infrastructure, needs to be taken into account. In this regard, the Town may, where appropriate, seek alterations to plans to limit the impact of noise on a development, or impose conditions to reduce the level of noise emitted and/or received by a development. Any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise sensitive uses must:

- Be designed, orientated and constructed to include noise attenuation measures such as appropriate glazing of windows, position balconies having regard for noise sources, minimise window areas facing a noise source and designating certain areas within the building layout for less noise sensitive uses or activities.
- Consider the incorporation of ducted air conditioning and/or ventilation systems in consultation with an acoustic consultant.
- Have walls, roofs, external glazing and doors and the air conditioning or ventilation systems designed by a qualified acoustic consultant, who must certify that the incorporation of the design features recommended by the consultant will achieve a satisfactory level of sound attenuation. Any application for residential or other noise sensitive uses, as determined by the Town, will need to be accompanied by an acoustic report prepared by a qualified acoustic (noise) consultant.

For further information regarding sound attenuation, it is recommended that applicants refer to Australian Standard AS-NZS2107:2000 - Acoustics -Recommended Design Sound Levels and Reverberation Times for Building Interiors."

Note: Since the meeting it has come to our attention that the Policy attached at Appendix 10.1.16 contained two clauses 4 and 5. This has now been corrected to read clauses 4 to 7 as it does not change the intention of the Policy.

PURPOSE OF REPORT:

The purpose of this report is to present the draft Policy relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, and to seek the Council's approval to advertise the draft Policy.

BACKGROUND:

27 September 2005 The Council at its Ordinary Meeting resolved the following:

"That;

- (i) the Council REQUESTS the Chief Executive Officer to prepare a further report to be presented at the Ordinary Meeting of Council to be held on 25 October 2005 or as early as possible thereafter, on the area bounded by Pandal Lane, Stuart Street, Fitzgerald Street and Newcastle Street, addressing appropriate density and built form design capabilities (including site coverage, building envelopes and height parameters) within the above area, and:*
 - (1) the implications on the Town Planning Scheme Review and delivery of the new Town Planning Scheme;*
 - (2) utilisation of clause 40 of the Town Planning Scheme to facilitate more appropriate intensity of development to the area;*
 - (3) reports should consider the areas;*
 - (a) proximity to public transport;*
 - (b) proximity to open space;*
 - (c) Council's previous approval of an eight storey development on the adjacent Maltings development site;*
 - (d) the current R160 zoning adjacent and to the south of Newcastle Street; and*
 - (e) flexibility in provision of commercial/residential mix; and*
- (ii) the Town's officers meet with the applicants to discuss future development of the site."*

Meetings have been held between the Mayor, Town's Officers, and the applicants and owners representatives of the properties situated at Nos.152-158 Fitzgerald Street and Nos.146-150 Fitzgerald Street on 4 November and 29 November 2005, respectively. The applicants were informed of the Town's position with respect to seeking a more intense form of development in this location, and the Council's preparedness to consider variations to the current development standards to facilitate this development. No amended applications have been received to date in this respect.

DETAILS:

Design Guidelines have been prepared for the subject area taking into consideration the above Council resolution, factors affecting past and future development in this area, the adjacent *New Northbridge* redevelopment, *Vincent Vision 2024*, the State Government's Draft Housing Strategy and Network City.

The land is characterised by a variety of semi-industrial and commercial uses fronting Newcastle Street and Miss Maud's head office and bakehouse, warehouses and a large recently vacated piece of land fronting Fitzgerald Street and backing onto Pandal Lane. The opposing side of Pandal Lane accommodates the Maltings development and a number of former industrial buildings retrofitted for residential apartments. Traditionally, the local area has been characterised by large scale industrial activities with sporadic residential properties.

Key Characteristics

- Transitional area containing blighted, underdeveloped properties.
- Newcastle Street, until recently, was a major east-west thoroughfare of the central business district.
- Recent attention to the area as a result of the Graham Farmer Freeway, streetscape works, refurbishment of heritage places and the construction of new commercial, residential and mixed-use developments within *New Northbridge*.
- Newcastle Street marks the boundary between the Town of Vincent and the City of Perth.

Opportunities

- Significant and rapid development has occurred in *New Northbridge* contributing to an improved amenity and confidence in inner-city development.
- To highlight a gateway into the Town of Vincent .
- A number of large underutilised properties apt for redevelopment.
- Proximity to the Perth central business district, public transport and road networks.
- High demand for high-quality, inner-city living.
- Growing need for diverse housing types close to services and infrastructure.
- The removal of adverse uses from the inner city as a result of centrally located industrial uses relocating to outer industrial areas.
- The new role of Newcastle Street effectively discourages heavy haulage vehicles and cross-city traffic.
- Proximity and outlook to Robertson Park - ability to draw on openness afforded by its size and proximity to the area.
- Design standard, form and impetus of recent development.
- Encourage the provision of affordable housing.
- Encourage the use of 'green building' technology.

Vincent Vision 2024

The *Vincent Vision 2024* documents relating to Perth provide the following input into the Design Guidelines.

Perth Vision

"Every Possible Convenience, Indifference to the Ordinary

In 2024, Perth is a spectacular inner city community, a highly sought after place to live with beautiful parks and wetlands, a location that offers every possible convenience. As a place with depth of character and indifference to the ordinary, some of the most exceptional and imaginative things happen in Perth. Our town centre is the civic, cultural and business heart of the community, a global village and marketplace, true to Perth's rich heritage and culture. With its bustling and enticing atmosphere, artistic and cultural activity flourishes here. A rich mix of people – artists, students and new migrants alike – creates the essence of our community. People from all walks of life are valued and respected here and everything about Perth is people-orientated. The community knows how to work together nurturing and celebrating those special qualities that give Perth its distinctive personality."

Guiding Principles

- *"Higher density housing is strategically integrated and well positioned.*
- *Housing Diversity, Designed for adaptability and long-term*
- *Excellence in urban and building design."*

Draft Housing Strategy WA

The demand for diversity in housing types will increase given the trends facing West Australians. Housing Strategy WA - Discussion Draft lists as an objective '*Diversity of Housing to align with Future Population and Social Needs*' noting that '*Western Australia's dwelling stock is dominated by single detached housing, limiting housing choice. Many singles and couples living in detached housing must pay for excess housing capacity. WA has the highest excess capacity in Australia with 45 per cent of all households having two or more spare bedrooms. Housing needs to be more flexible to enable it to meet the sustainable needs of the households it serves both in terms of accommodation and usage (ie: working from home...). Western Australian should be able to choose from a range of housing types to balance accommodation, lifestyle and access needs.*

The Draft Housing Strategy also lists '*Initiate Changes to Planning and Development Policies*' as a strategy to increase diversity of dwelling types. In this respect, the strategy outlines that the Department for Planning and Infrastructure will review policies and as part of national action on affordable housing, will develop in consultation with local governments, affordable housing policies. The overall aim of the suggested initiative is to provide a greater choice of more appropriate, better-designed dwellings and precincts, tailored to declining household sizes. The redevelopment of areas to match dwellings to the needs of current and future households will require re-zoning to allow for increased density over large and small areas. The Town's Officers will formally present the Draft Housing Strategy and Officers' comments to the Council at an Ordinary Meeting to be held in early 2006.

The State Government's Network City notes '*fuller use of urban land*' as a key theme to manage urban growth and lists a strategy to provide 60 per cent of dwellings required to meet expected population increases in existing urban areas.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The draft Policy relating to Appendix 16 Design Guidelines for the area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, is intended to provide developers and landowners with a set of guidelines and direction that reflect the Town's expectations with respect to the development of this area. It is considered that the subject properties have distinct opportunities unsurpassed within the Town which the Council can actively guide and promote befitting, innovative development. Contrasting to the guidelines for *New Northbridge*, which explicitly protect the amenity of built heritage, the Guidelines by intent are not overtly prescriptive and per se will provide the vehicle and confidence for innovative development to occur in this area.

In light of the above, it is recommended that Council adopts the draft Policy relating to Design Guidelines for the area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, and advertises the draft Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No.1.

10.2.1 Donation of Drinking Fountain to the North Perth Primary School

Ward:	North	Date:	18 November 2005
Precinct:	Smith's Lake	File Ref:	PRO2451
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the request from the North Perth Primary School for support from the Town to supply/install a drinking fountain on the school oval;*
- (ii) *APPROVES a donation of \$1,850 to the North Perth Primary School for the supply/installation of a basic "pole-type" drinking fountain; and*
- (iii) *ADVISES the North Perth Primary School of its decision.*

COUNCIL DECISION ITEM 10.2.1

Cr Torre returned to the Chamber at 9.31pm.

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That the Item be DEFERRED for further information to be provided about alternative models of drinking fountains and details about costs.

CARRIED (6-1)

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

(Crs Ker and Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek approval from the Council for a donation of \$1,850.00 to the North Perth Primary School for the supply and installation of a drinking fountain on the school oval at the North Perth Primary School.

BACKGROUND:

A petition has been received on behalf of 233 students from the North Perth Primary School, requesting that the Town give consideration to installing a drinking fountain on the school's oval.

In the letter the students have advised that the school had recently obtained a grant to lay a memorial path on the oval to commemorate the 60th anniversary of the end of World War II and that it would be seen as a great benefit if the drinking fountain could be installed prior to the above commemoration and also as a benefit for the classes that go down to the school oval (some 70 metres from the school) for sport.

As the oval can also be used by the public at any time of the day, the students advised that the installation of a drinking fountain would make the school a truly community place.

DETAILS:

The students of North Perth Primary School have suggested that the Town install a drinking fountain similar to the design used in the adjacent Multicultural Federation Garden and Children's Playground.

The requested drinking fountain design is very expensive and given the significant cost of extending the water services due to the distance to the drinking fountain from the nearest water source, a cheaper version has been recommended.

Installation will require trenching of at least 70 metres down to the oval through an existing bitumen carpark. The drinking fountain will consist of a galvanised steel pole with a standard drinking fountain assembly fitted.

A small concrete apron will be laid around the base of the fountain to ensure the area around the base of the pole does not become a quagmire and potential safety hazard.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of Strategic Plan 2005-2010 – 2.1 Celebrate and acknowledge the Town's cultural diversity. *"a) develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the supply and installation of the drinking fountain is as follows:-

• Drinking fountain assembly (Galvins plumbing products)	\$900.00 *
• Supply & installation of pipework (Oasis Plumbing)	\$350.00
• Reinstatement of carpark & surrounds (Town of Vincent)	\$450.00
• Installation of concrete apron (Town of Vincent)	<u>\$150.00</u>
	<u>\$1,850.00</u>

This amount can be sourced from the Members of Council donations budget.

Note * The purchase price of the "two bowl" fountain, similar to the one at the Multicultural Gardens, is just over \$4,000, which would bring the total cost to approximately \$5,000.00 if this type was used.

COMMENTS:

It is therefore recommended that the Council approve the donation of \$1,850.00 to North Perth Primary School for the supply and installation of a "pole type" drinking fountain, and the works be implemented as soon as practicable.

10.3.2 Financial Statements as at 30 June 2005

Ward:	-	Date:	29 November 2005
Precinct:	-	File Ref:	FIN0026
Attachments:	002		
Reporting Officer(s):	Bee Choo Tan/M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the year ended 30 June 2005 as shown in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

PURPOSE OF REPORT:

To present the financial statements for the year ended 30 June 2005.

BACKGROUND:

At the Ordinary Council meeting of 13 September 2005 the Provisional Year End Financial Statements were presented and received. The year end audit has now been completed and the Financial Statements for the year ending 30 June 2005 were included in the Annual Report as presented and adopted at the Ordinary Council meeting of 8 November 2005.

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 copies for the year ended 30 June 2005.

A report on the major variances has been included with these statements and a separate report on this agenda has been prepared on the financial performance of Beatty Park.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial position and Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Detailed variance commentary 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 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 105 % of the annual 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 99 % of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 288 % of the budget received to date; this is due to advertising rebates, vehicle contributions received sale of electoral rolls and reimbursement of long service leave from other councils.

Law Order & Public Safety (Page 3)

Revenue is showing a favourable variance of 119 % due to recoup in advance of employee cost that is on secondment and grants received.

Health (Page 4)

Health is showing 106 %, this is due to 297 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Leases and rental income from various facilities and venues received is showing 141% of the revenue budget. This is due to the operating surplus from the management of the Leederville Gardens Retirement Village.

Community Amenities (Page 6)

Community Amenities revenue is 117 % of the budget, this is as a result of 696 planning applications have been processed for the year.

Recreation & Culture (Page 9)

Recreation and Culture is 103 % of their revenue budget. Beatty Park Leisure Centre revenue is 76 % of the total Recreation and Culture and its cash position is a deficit of \$452,174 against a budgeted \$157,887.

Transport (Page 11)

Transport revenue is 160% of the budget with 28,057 infringement issued for the year which is 210 % over budget and car parking revenue exceeding budget by 145%.

Economic Services (Page 12)

Economic Services is 112 % of budget which is the 452 building licences issued for the whole year.

Operating Expenditure

Operating expenditure for the year is slightly over budget at 107%. All service area are on budget except expenditure in Public Works Overheads being under recovered by \$415,588 and depot cost under recovered by \$142,561.

Capital Expenditure Summary (Pages 18 to 26)

The Capital Expenditure summary details projects included in the 2004/05 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for June amount of \$7,888,316 which is 64% of the budget.

	Budget	Actual to Date	%
Furniture & Equipment	131,310	119,145	76%
Plant & Equipment	1,249,972	613,259	49%
Land & Building	3,555,393	3,572,598	95%
Infrastructure	6,997,900	3,583,314	48%
Total	11,934,575	7,888,316	64%

Statement of Financial Position and Changes in Equity (Pages 27 & 28)

The statement shows the current assets of \$11,153,098 less current liabilities of \$3,507,075 for a current position of \$7,646,023. The total non current assets amount to \$115,592,464 less non current liabilities of \$10,975,473 for the total net assets of \$112,263,014.

Restricted Cash Reserves (Page 29)

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 30)**

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 \$639,930 are outstanding at the end of June. Of the total debt \$165,495 (25%) 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 31)

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

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

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

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

Instalment Administration Charge (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 \$360,981 which represents 2.6 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 32)

As at 30 June 2005 the operating deficit for the Centre was \$899,718 in comparison to the budgeted annual deficit of \$616,852.

The cash position showed a current cash deficit of \$452,174 in comparison to the annual budget estimate of a cash deficit of \$161,888. The cash position is calculated by adding back depreciation to the operating position.

COMMENT:

The overall net profit result shows \$688,284 for the period ending 30 June 2005. Working capital at year end is \$7,646,023 and the Town of Vincent has \$7,193,015 in reserve accounts.

10.3.3 Beatty Park Leisure Centre - Financial Performance 2004-05

Ward:	-	Date:	23 November 2005
Precinct:	-	File Ref:	FIN0040
Attachments:	-		
Reporting Officer(s):	D Vanallen/M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the report on the financial performance of Beatty Park Leisure Centre and the explanation for the significant variances that occurred in the final two months of the year.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to explain the Beatty Park Leisure Centre's financial performance in the 2004-05 financial year and the major variances that occurred in the months of May and June 2005.

BACKGROUND:

The Beatty Park Leisure Centre's performance in 2004/05 financial year showed a significant improvement on the previous year.

Despite the Centre's improved financial position in the 04/05 year from the previous financial year. The Centre's performance against the budget estimate is an increase over the budgeted deficit. This deficit increase occurred primarily in the May and June 2005 periods. The report details discusses the major influencing factors for the overall increase in the Centre's budget deficit, and also the influencing factors affecting the May and June 2005 budget variance.

Beatty Park Leisure Centre's 04/05 financial position showed a significant improvement on that of the previous year, bringing the Centre's overall operating deficit down by \$247,935, an improvement of 35%. In the 04/05 financial year the Centre attracted 803,820 patrons per annum and returned a total operating deficit of \$899,718 which included depreciation of \$447,544 and Council on-costs of \$135,480. This equates to a cash deficit of \$452,174 and an improved net operating cost per user visit of \$0.56.

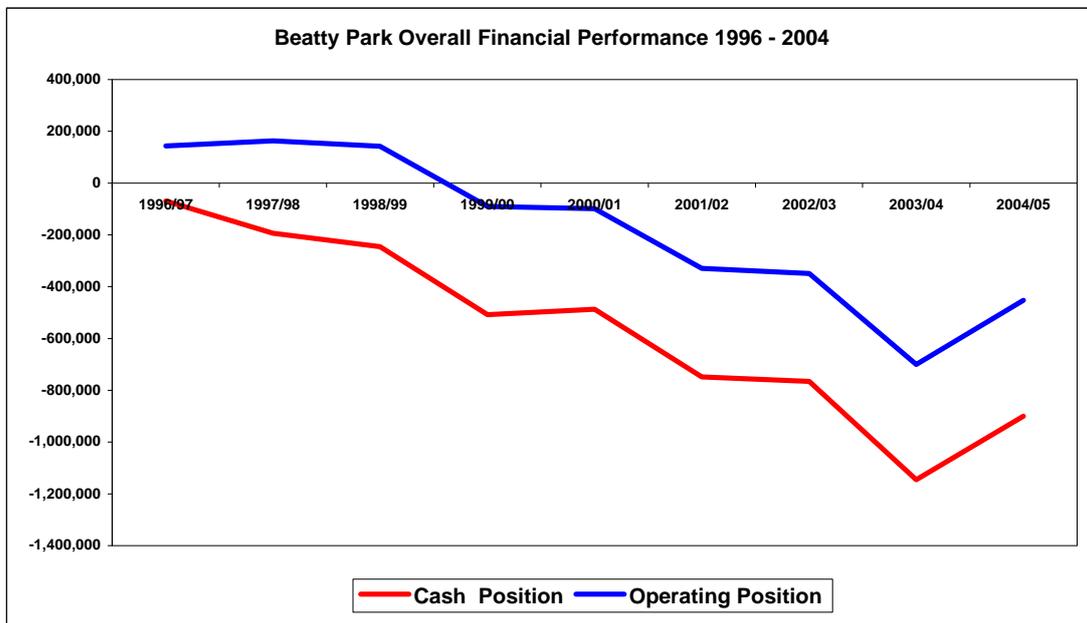
In comparison, with the 03/04 financial year the Centre attracted 848,067 patrons per annum, and returned a total operating deficit of \$1,145,583 which included depreciation of \$445,474 and Council on-costs of \$130,638. This equates to a cash deficit of \$700,109 and a net operating cost per user visit of \$0.69.

This comparison is displayed in table below:

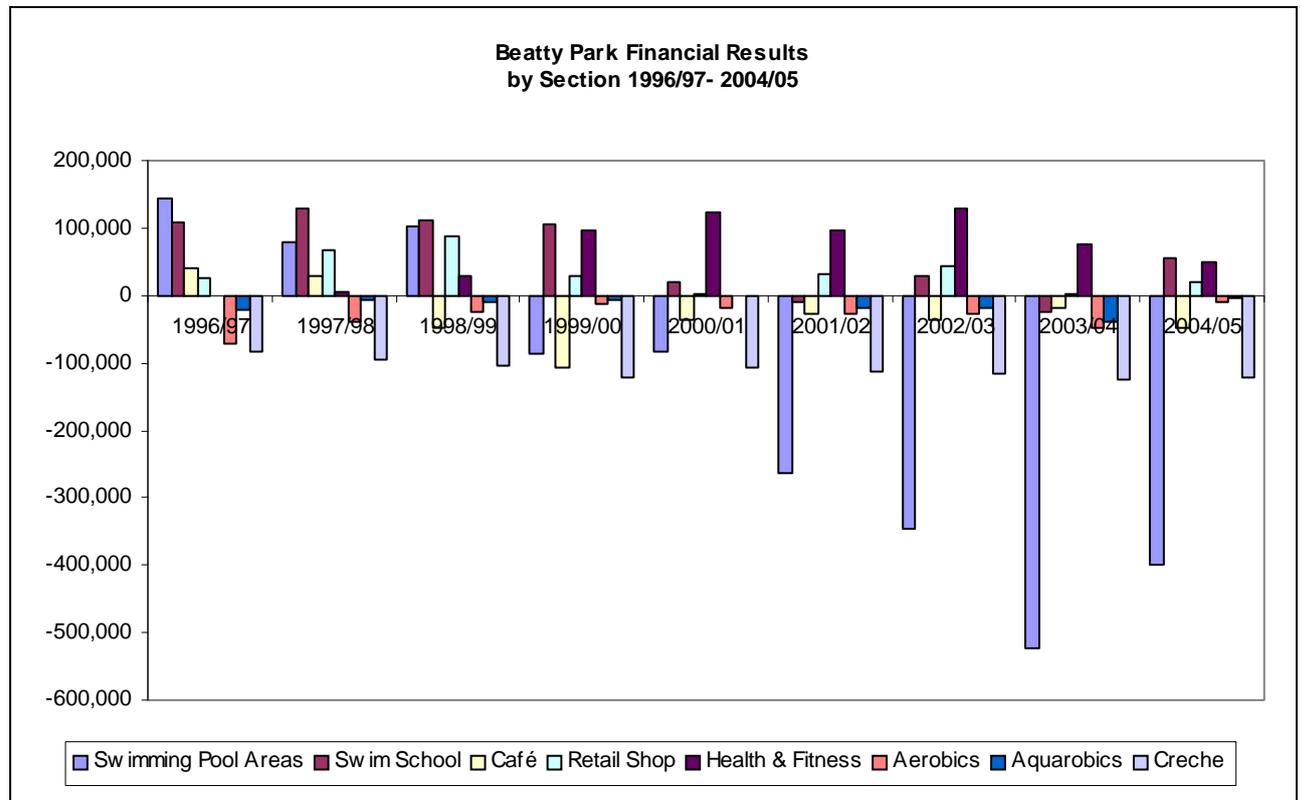
Year	03/04	04/05	% Variance
Total Cash Operating Deficit	\$700,109	\$452,174	35%↓
Total Depreciation	\$445,474	\$447,544	0.5%↑
Council On-costs	\$130,638	\$135,480	3%↑
Total Operating Deficit (including depreciation and Council on-costs)	\$1,145,583	\$899,718	22%↓
Total Centre Attendances	848,067	803,620	5.5%↓
Net Operating Cost per User Visit	\$0.69	\$0.56	19%↓

The graph below provides an overview of the Centre's financial performance between the period 96/97 and 04/05 further illustrating the improvement made last year.

Graph 1



Graph 2 below provides a breakdown of the Centre’s financial performance by cost centre/section for the period 96/97 – 04/05. The operating position of each individual section of the Centre is discussed in detail in the report.



DETAILS:

Outlined below is a commentary of the financial performance for the 2004/05 financial year on the individual sections at the Centre.

ANNUAL FINANCIAL PERFORMANCE OF INDIVIDUAL SECTIONS

Swimming Pool Area

The Swimming Pool Area improved performance by 24%, reducing its operating deficit by \$125,088. The improvements were achieved through reduced energy consumption.

The larger than budgeted deficit can be attributed in the main to higher than expected labour costs for the pool area as a result of higher use of casual staff incurring associated penalty rates for weekend and public holidays. The maintenance budget also accounted for the budget variance following the requirement for some unbudgeted maintenance works associated with the plantroom.

Lower than anticipated revenue in some accounts have also contributed to the deficit, these are:

Hire Fees Swim Program: This fee accounts for pool entry payments for Swim School participants and is based on a rate per participant per lesson, the budget was based on projected full attendances, however not every participant has attended lessons each week.

Admission Fees - Students: The fees collected from this admission type were lower than expected, and varied as a result of the fee structure.

Admission Fee - Carnivals: The revenue generated through carnivals is seasonally affected due to the majority of carnivals being held in March and April. Some schools have moved their carnivals to Challenge and Joondalup due to superior electronic recording features and travelling distance, this has resulted in reduced revenue.

	2004/05 Actual	2004/05 Budget	2003/04 Actual
Swimming Pool Area	-\$398,427	-\$196,636	-\$523,516

Swim School

The Swim School recorded a significant turn around with improved attendances resulting in an operating surplus of \$56,064. This equates to a 336% improvement on last years performance.

	2004/05 Actual	2004/05 Budget	2003/04 Actual
Swim School	\$56,064	\$39,915	-\$23,770

Retail Shop

The Retail Shop also showed an overall improvement returning a \$20,889 operating surplus. Retail revenue increased by 1.5%, closing stock was reduced significantly by 17%, gross profit increased to 53% and the stock turnover improved this year to 3.95 in comparison to 3.23 in the last financial year. Performance was below budget estimates due to increases in purchases of stock through the 'indent' system, in addition the Retail Shop had to employ more casual staff than permanent as a result of staff movements.

	2004/05 Actual	2004/05 Budget	2003/04 Actual
Retail Shop	\$20,889	\$92,420	\$792

Group Fitness/Aquarobics

The Group Fitness and the Aquarobics programs both performed well in the 04/05 financial year. Improved overall attendances and increased revenue from the memberships have been the major contributing factors, an adjustment to the allocations from memberships was made to more accurately reflect the usage by members of these two sections.

	2004/05 Actual	2004/05 Budget	2003/04 Actual
Group Fitness	-\$8,993	-\$20,332	-\$47,447
Aquarobics	-\$2,514	-\$17,342	-\$38,948

Creche

The cost of the Creche has remained stable with a 2% improvement on the budget. This improvement can be partly attributed to a reduction in the Creche hours of operation which was implemented in April 2005.

	2004/05 Actual	2004/05 Budget	2003/04 Actual
Creche	-\$120,302	-\$122,405	-\$124,411

Health & Fitness

The Health and Fitness area has seen a 54% increase over the budgeted expectations in the 04/05 financial year. This is mainly a result of strong membership uptake throughout the year. The surplus is lower than last year as a result of an adjustment made to the percentage allocation of indirect revenue from membership income being attributed to the Health & Fitness Area.

	2004/05 Actual	2004/05 Budget	2003/04 Actual
Health & Fitness	\$49,011	\$31,718	\$74,992

Café

The major area of concern was the Café with the year end resulting in a deficit of over \$48,000. The Café is heavily reliant on total Centre attendances which reduced by 5.5% in the 04/05 financial year. The Café operation has been closely monitored in recent years, and a number of key initiatives are now in place within the Café which we had hoped would lead to an improved result whilst labour costs were in line with budget. The result can be attributed to the continued purchase of stock at levels higher than required during the winter months.

In addition of the major suppliers who had previously provided a large range of disposable items free of charge changed its policy nationally, this resulted in the miscellaneous consumables account exceeding its budget allocation.

The sale revenue for Café was 6% lower than budgeted projections which can be linked to an overall attendance reduction of 5.5%. Income from parties held at the Café were also lower than estimated.

	2004/05 Actual	2004/05 Budget	2003/04 Actual
Cafe	-\$17,801	\$39,915	-\$47,902

EXPLANATION FOR VARIANCES IN FINAL TWO MONTHS OF THE YEAR

Despite the improvement in the Centre's financial position the performance against the budget for the year was lower than expected resulting in a higher than expected budget deficit for the year.

This was particularly disappointing as the Centre had been meeting the budget projections up to the last two final months of the year.

There are a number of contributing factors for the significant variances to occur in May and June, however the most significant are as listed below:

Year-end Entries - Employee cost

These accounts had budgets phased across the year whereas the actual cost was charged in the month of June (see table below).

The year end accrual entries for annual leave and long service leave are calculated annually and were costed in the month of June and were overall higher than anticipated.

Annual Leave Accrual	Annual Budget	Budget Jun-05	Actual Jun-05
Swimming Pool Area	5,000	417	10,104
Swim School	800	67	1,674
Café	2,000	167	2,566
Retail Shop	1,600	133	1,568
Creche	2,000	167	1,308

Long Service Leave Accrual	Annual Budget	Budget Jun-05	Actual Jun-05
Swimming Pool Area	4,000	333	2,639
Swim School	1,000	83	4,287
Café	2,000	167	2,175

The salary on cost accrual entries for year end were higher than the monthly budget estimate. The accounts had budgets phased across the year, whereas the actual cost accrued in the June month resulting in a significant variance.

Salary on Cost Accrual	Annual Budget	Budget Jun-05	Actual Jun-05
Swimming Pool Area	500	42	1,803
Swim School	100	8	582
Café	500	42	518
Retail Shop	200	17	320

Note that this financial year the process has been changed so that the above accounts receive a monthly charge with only an adjustment in the final month of the year.

TIMING OF COST ADJUSTMENTS

Insurance

A Workers Compensation adjustment for the finalisation of the year 2001/02, together with an allocation for the reversal of a prepayment account were costed in the month of June accounts for the variance.

Insurance	Annual Budget	Budget Jun-05	Actual Jun-05
Swimming Pool Area	22,500	1,875	14,778
Swim School	11,750	979	7,499
Group Fitness	1,900	158	1,233
Aquarobics	1,700	142	1,072
Café	500	42	241
Retail Shop	3,000	250	1,935
Creche	3,750	312	2,436

Fringe Benefit Tax

The Fringe Benefit Tax is estimated quarterly, however the annual charge for the Fringe Benefit Tax was charged in the month of May resulting in a significant variance from the month's budget.

Fringe Benefit Tax	Annual Budget	Budget Jun-05	Actual Jun-05
Administration	6,100	508	6,509

INCREASED COSTS

Higher Energy Costs

The costs for the month of May and June were higher than anticipated despite the introduction of initiatives to reduce costs including the installation of the thermal pool blankets, which has resulted in a significant savings in the gas, water and electricity usage at the Centre. The variance was compounded by two electricity accounts being charged in the month of June. Payments for water and gas accounts were also higher than anticipated during these two months.

Plant and Building Maintenance

May and June are the months in which are the priority period for the completion of plant and maintenance projects. However this year the area is over budget due, in particular to electrical faults caused by an aging plantroom, poor design and bad ventilation causing increased corrosion, resulting in a number of unbudgeted maintenance projects being required to be undertaken.

OTHER CONTRIBUTING FACTORS

The month of May contained three pay periods, with a significant amount of staff training. When training occurs additional staff are required to cover those on training and as a result additional costs are incurred, resulting in higher than budgeted costs.

Pool revenue was lower than estimated in the cooler months of May and June, whereas expenditure, notably energy and maintenance costs, are higher during this period.

The sections above have outlined the significant reasons for the cost increased in the last two months of the year.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Key Result Area 3 - Economic Development

3.2 *Develop business strategies that provide a positive triple bottom line return for the Town.*

- (d) *Review, improve and formalise the business unit structure and investigate and implement options to ensure the financial performance of Beatty Park Leisure Centre is in keeping with "Best Practice" and the Council Business Plan."*

FINANCIAL/BUDGET IMPLICATIONS:

The Beatty Park Leisure Centre has an annual operating budget of approximately \$4 million. The performance of the Centre has an important impact on the financial position of the Town.

COMMENTS:

The Beatty Park Leisure Centre financial performance in the financial year 2004/05 saw an improvement from the previous financial year. However the financial performance against the budget was much lower than anticipated, this resulted in an increase in deficit against the budget. This result was particularly disappointing given the fact that the performance was in line with budget expectations until the final two months of the year.

The unexpected increase in the last two months can be attributed to the year end adjustments for several employee related accounts being significantly higher than the monthly budget and higher than anticipated energy costs and maintenance also contributed to the significant variances.

The management continues to investigate and implement initiatives to improve the financial performance of the Centre. A wide range of strategies and programs are in place at present, which are designed to ensure that this year's budget is to be achieved.

10.4.3 Appointment of Co-ordinator - Special Projects

Ward:	-	Date:	30 November 2005
Precinct:	-	File Ref:	PER0011
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the creation of a new position of Co-ordinator, Special Projects on a Performance based contract for a three (3) year period, as detailed in this report; and*
- (ii) *AUTHORISES the Chief Executive Officer to recruit and fill this position.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

ADDITIONAL INFORMATION:

Additional information about salary ranges and benchmarks was provided. This information is confidential as it relates to employees.

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the creation of a new position - Co-ordinator, Special Projects to assist in the implementation of the Town's major projects, currently in progress.

BACKGROUND:

During the Budget process 2005/06, the need for additional resources, such as a Co-ordinator Special Projects, to assist in the implementation of major projects undertaken by the Town was considered and an amount of \$120,000 was included in the Budget 2005/06.

The prime function of this position will be to co-ordinate the major projects under the direction of the Chief Executive Officer and Executive Managers.

The Town is currently carrying out the following significant projects;

1. Leederville Masterplan (Project Value: \$100 million plus)

This project involves the redevelopment of 20,000m² of land in Leederville and has been reported to Council on several occasions. Project Consultants have been appointed and are currently progressing the matter. In addition, this project also involves the major upgrade of sewer and stormwater drains by the Water Corporation.

At present, the bulk of this work is carried out by the Town's Senior Officers, primarily the Executive Manager Technical Services and Chief Executive Officer. The Executive Manager Corporate Services and Executive Manager Environmental & Development Services have also varying involvement. To date, the project has been co-ordinated by the Chief Executive Officer with day-to-day implementation by the Executive Managers, overseeing the Town's Officers.

This will be the largest project undertaken by the Town and will be in the range of \$100 million plus and will be implemented over a number of years.

2. **State Indoor Sports Centre (Project Value: \$9-9.5 million)**

This project has been under consideration since October 2001 and has progressed substantially during 2005.

This project has been almost exclusively carried out by the Chief Executive Officer and involves negotiations with the Department of Sport and Recreation and the various prospective tenants for the Loftus Centre. It also involves considerable liaison with the Project Architect.

At the Ordinary Meeting of Council held on 22 November 2005, the Council considered this matter and requested the Chief Executive Officer to carry out further discussions with Central TAFE concerning a possible partnership.

Subject to successful negotiations being carried out, it is envisaged that this project will rapidly proceed in early 2006, with construction commencing in mid 2006.

3. **Stage 2 Redevelopment of Members Equity Stadium (Project Value: to be confirmed - however \$25 million or greater, depending upon the final option approved)**

This project has been underway since December 2004, when Perth won the rights to include a new Super 14's team in the Tri-Nations competition. The Project Architect has been engaged and has prepared concept plans.

This project has been almost exclusively carried out by the Chief Executive Officer and involves negotiations with the Department of Sport and Recreation, Rugby WA, Allia Venue Management Pty Ltd. It also involves liaison with the Project Architect.

The role of the Co-ordinator will primarily be required when construction actually commences.

4. **Beatty Park Leisure Centre Feasibility (Project Value: yet to be determined, but in the range of \$10 million plus)**

This project has been underway since late 2004 and has been primarily carried out by a Consultant under the direction of the Executive Manager Corporate Services, with involvement from the Centre Manager. The Feasibility Report is due in late November 2005 and will no doubt involve considerable investigation of the findings.

The role of the Co-ordinator will primarily be in following up the refurbishment details of the Centre.

5. **Undergrounding of Power Stage 1 (Project Value: to be determined, but will be in the range of \$5-6 million)**

This project has been progressed over the previous 18 months, using in-house staff and some external consultants. The proposed Co-ordinator could assist with this project, should time permit.

Main Duties and Responsibilities of Co-ordinator Special Projects

This position will be responsible to the Chief Executive Officer with day to day supervision being provided by the relevant Executive Manager.

The main duties and responsibilities of the Co-ordinator, Special Projects will involve;

Project Management:

- To assist the Chief Executive Officer and Executive Managers, employees in the co-ordination and day to day issues arising from assigned projects.
- To keep the Chief Executive Officer and Executive Managers informed of progress and issues arising from assigned projects.
- To effectively co-ordinate and oversee the implementation of design and construction of the Town's projects and ensure that programmed targets are met in the most cost effective manner.
- To liaise with the Chief Executive Officer, Executives Managers and consultants in the conceptual design, working drawings, specifications, quantities and tender documents for assigned projects as required.
- To coordinate the conceptual design, working drawings, specifications, quantities and tender documents needed for assigned projects.
- To prepare Project Schedules and programs and to advise on the adoption of schedules and programs prepared by consultants, builders and subcontractors.
- Provide professional advice to the Chief Executive Officer and Executive Managers in relation to building design, construction estimates, tendering, contracts and project management.
- To maintain project budgets, prepare project reports as required, organise, and maintain minutes of site and progress meetings with contractors as required.
- Coordinate and liaise with Government Departments, internal service areas, user groups, lessees, consultants, contractors and subcontractors ensuring the Town's design and building programs are met and payments accorded as required.
- Ensure assigned projects are constructed in accordance with the approved contract and tender specifications and any variations are promptly reported to the Chief Executive Officer.

Administrative Support:

- At the request of the Chief Executive Officer, prepare items to be included in reports to Council in relation to assigned projects, identify items that require corporate input and negotiate to obtain corporate endorsement.
- Research and compile agenda items and oversee the co-ordination and review of items prepared by other employees.
- Attend meetings and provide advice/input on relevant matters as required.
- Implement decisions of the Chief Executive Officer and Executive Managers and report on their progress.
- Provide regular reports and updates in regard to assigned projects to the Chief Executive Officer.

CONSULTATION/ADVERTISING:

Subject to Council approval, this position will be advertised in accordance with the Town's Human Resources Recruitment Policy.

LEGAL/POLICY:

The Local Government Act 1995 at Section 5.41, states that one of the CEO's functions is *"to be responsible for the employment, management, supervision, direction and dismissal of employees."*

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010 (Amended), Key Result Area 4.2 - *"Deliver services in a way that accord with the expectations of the community whilst maintaining statutory compliance..."*.

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2005/06 contains an amount of \$120,000.

This position will involve the following budget implications;

Financial Factors	Minimum (Level 9A) \$	Maximum (Level 9D) \$
Salary Level*	55,363	58,549
Superannuation, leave, etc. – <i>approx*</i>	8,750	9,191
Motor Vehicle	21,000	21,000
Motor Vehicle Operating Costs*	3,800	3,800
Computer, Desk and Equipment, Phone	5,500	5,500
Recruitment Costs	2,000	2,000
Total	\$96,413	100,040

* These costs will be reduced by approximately 50% for 2005/06 financial year.

COMMENT:

The employment of a Co-ordinator, Special Projects will ensure that progress and implementation of these significant and special projects are maintained at a satisfactory level. At present, these projects are starting to impact on the workload of the Chief Executive Officer and Executive Managers and the assistance of this position is considered essential to maintain the current timelines.

10.4.4 Adoption of Policy - Corporate Credit Cards

Ward:	-	Date:	25 November 2005
Precinct:	-	File Ref:	ORG0023
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES of new "Policy 1.2.12 - Corporate Credit Cards" as shown in Appendix 10.4.4; and*
- (ii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the proposed draft policy for a period of twenty one (21) days, seeking public comment;*
 - (b) *report back to the Council with any public submissions received; and*
 - (c) *include the policy in the Council's Policy Manual if no public submissions are received.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Farrell

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

- “(i) *APPROVES of new Policy 1.2.12 - Corporate Credit Cards as shown in Appendix 10.4.4 subject to:*
- (a) *clauses 3(iv) and (v) being removed from the heading 'Register' and placing them as dot points under the heading 'General';*
 - (b) *bullet points 5 and 6 relating to limits being deleted from under the heading 'Purchasing';*
 - (c) *a new dot point being inserted at the beginning of 'Payments' as follows:*
 - *“the cardholder shall provide appropriate and sufficient documentary evidence of all charges, as required on a regular basis”; and*
 - (d) *the dot point relating to time frames under the heading 'Payments' being amended to read as follows:*
 - *“time frames for all payment of accounts ~~shall~~ will be monitored by Manager Financial Services to ensure that credit charges are minimised and accounts are paid so as not incur a penalty or interest;”*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

MOTION AS AMENDMENT CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

COUNCIL DECISION ITEM 10.4.4

That the Council;

- (i) ***APPROVES of new Policy 1.2.12 - Corporate Credit Cards as shown in Appendix 10.4.4 subject to;***
- (a) *clauses 3(iv) and (v) being removed from the heading 'Register' and placing them as dot points under the heading 'General';*
 - (b) *bullet points 5 and 6 relating to limits being deleted from under the heading 'Purchasing';*
 - (c) *a new dot point being inserted at the beginning of 'Payments' as follows:*
 - *"the cardholder shall provide appropriate and sufficient documentary evidence of all charges, as required on a regular basis"; and*
 - (d) *the dot point relating to time frames under the heading 'Payments' being amended to read as follows:*
 - *"time frames for all payment of accounts shall will be monitored by Manager Financial Services to ensure that credit charges are minimised and accounts are paid so as not incur a penalty or interest; and*
- (ii) ***AUTHORISES the Chief Executive Officer to:***
- (a) *advertise the proposed draft policy for a period of twenty one (21) days, seeking public comment;*
 - (b) *report back to the Council with any public submissions received; and*
 - (c) *include the policy in the Council's Policy Manual if no public submissions are received.*

PURPOSE OF REPORT:

The purpose of this report is to adopt a new policy relating to the use of Corporate Credit Cards.

BACKGROUND:

The Department of Local Government recently wrote all local governments and provided operational guidelines for the use of Corporate Credit Cards.

The Department recommended that local governments adopt a policy relating to debit and credit cards.

The Town currently has three (3) corporate credit cards for use by the Town's administration as follows:

DETAILS:

1. Credit Card No 1 - Holder - CEO

This credit card has been in existence since the creation of the Town and was initially approved by the Chairman of Commissioners.

The Council authorised the continuation of the use of a Council Corporate Credit Card by the Chief Executive Officer (approved at the Ordinary meeting of Council of 29 September 1998 and 9 November 2004), pursuant to Regulation 11 of the Local Government (Financial Management) Regulations 1996 with the following conditions:

- (a) the purpose for the use of the Credit Card, is to cover costs "*relating to the promotion, development, public relations of the Town and to discharge the functions and duties of the CEO*";
- (b) a single transaction amount shall not exceed \$2,000, with a maximum credit limit of \$5,000;
- (c) the Employee shall provide appropriate and sufficient documentary evidence of those charged expenses.

Expenses are authorised by the Chief Executive Officer and verified by the Executive Manager Corporate Services on a monthly basis. The Chief Executive Officer averages 6 to 7 transactions per month.

2. Credit Card No 2 - Holder - Executive Assistant – CEO's Division

This credit card was introduced in September 2002 with the following conditions:

- (a) the purpose for the use of the Credit Card, is to cover costs relating to the staff training, travel, catering and civic functions and the like, public relations matters (eg death notices, public notices, flowers and wreaths etc).
- (b) a single transaction amount shall not exceed \$2,000, with a maximum credit limit of \$5,000;
- (c) the Employee shall provide appropriate and sufficient documentary evidence of those charged expenses.

Expenses are authorised by the Executive Assistant and authorised by the Chief Executive Officer on a monthly basis. The Executive Assistant averages 7 to 8 transactions per month.

3. Credit Card No 3 - Holder - Finance Officer – Purchasing – Financial Services Section

This credit card was introduced in October 2001 with the following conditions:

- (a) the purpose for the use of the Credit Card, is to cover costs relating to the incidental purchasing of materials and items for the Town.
- (b) a single transaction amount shall not exceed \$2,000, with a maximum credit limit of \$5,000;
- (c) the Employee shall provide appropriate and sufficient documentary evidence of those charged expenses.

Expenses are authorised by the Finance Officer - Purchasing and authorised by the Executive Manager Corporate Services. The Finance Officer – Purchasing averages 8 to 9 transactions per month.

All credit card details are verified, authorised and paid monthly.

The Town currently has limited use of Corporate Credit Cards and strict conditions for their use are in place. It is not envisaged that additional credit cards will be introduced.

The introduction of a new policy is recommended to provide guidance for the use of Corporate Credit Cards in the Town's operations. When used correctly, Corporate Credit Cards can deliver significant benefits through improved administrative procedures and more effective cash management.

The following practices and procedures are currently in place for the use of Corporate Credit Cards:

1. The use of Corporate Credit Cards is only approved if there is a demonstrated need and advantage to the Town. These include:
 - (i) elimination or reducing time spent on paper based ordering and payments;
 - (ii) reduction of administrative costs;
 - (iii) reducing the number of payments per month;
 - (iv) provision of a useful resource in an emergency situation; and
 - (v) reducing the need to hold cash on the premises.
2. **Applications for Corporate Credit Cards and Approval**

All applications for a Corporate Credit Card are approved by the Chief Executive Officer and this will continue.

In the case of the Chief Executive Officer, the Council has approved the application and determined the conditions for use and maximum credit limit and credit limit for each individual transaction.

3. **Register**

A register is maintained by the Manager Financial Services of all Credit Cards issued. This register includes:

- (i) date of approval by Chief Executive Officer;
- (ii) name of card holder;
- (iii) conditions of use of the card;
- (iv) maximum credit limit of \$5,000;
- (v) maximum credit limit per transaction of \$2,000; and
- (vi) a review date for continuing use of the card, not exceeding 24 months.

4. **Policies and Procedures Governing the Use of Corporate Credit Cards**

General

- when an employee misplaces their Credit Card, they are required to promptly report the matter to Manager Financial Services, who shall immediately cancel the card;
- Credit Cards are not transferable to other users;
- all surrendered Credit Cards shall be destroyed by the Manager Financial Services preferably in the presence of another employee; and
- Cardholders are currently aware that in the event that a cardholder they fail to comply with the current procedures, the Chief Executive Officer will withdraw the use of the Corporate Credit Card and take appropriate disciplinary action. (All criminal/illegal/acts of alleged are reported to the Police and other relevant authorities.)

Purchasing

- Credit Cards are only used for purchasing goods and services on behalf of the Town;
- personal expenditure is strictly prohibited;
- the use of Corporate Credit Cards for personal entertainment uses is prohibited;
- a Credit Card currently cannot be used for cash withdrawals;
- maximum credit limits are currently prescribed and based on the cardholder's need and approved by the Chief Executive Officer;
- the current maximum amount of credit for any one card shall not exceed \$5,000;
- the current maximum amount of credit for any one transaction shall not exceed \$2,000; and

- where purchases by facsimile, telephone or over the internet occur, they are currently authorised by the person and all paperwork is kept and verified.

Payments

- time frames for all payment of accounts is currently monitored by Manager Financial Services on a monthly basis to ensure that credit charges are minimised and accounts are paid so as not incur a penalty or interest;
- cardholders do not approve expenditure incurred on their own cards – these are referred to the Chief Executive Officer and/or Executive Manager Corporate Services for approval – the Chief Executive Officer currently refers all credit card authorisation to the Executive Manager Corporate Services for verification.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public.

LEGAL/POLICY:

Policies are not legally enforceable, however, they provide guidance to the Town's Administration and Elected Members when considering various matters.

The Town's auditors are aware of the use of the three (3) credit cards by the Town's administration and are satisfied with the procedures currently in place. The auditors support the introduction of a policy which strengthens financial procedures to control credit cards and minimize any misuse.

Issuing of Corporate Credit Cards to Elected Members

- (i) The Local Government Act does not make provision for the issuing of credit cards to Elected Members. (A Local Government can only pay allowances or reimburse expenses to an Elected Member).
- (ii) Elected Members are not issued with a Corporate Credit Card as there are no provisions within the Act which allow an Elected Member to incur a debt.

STRATEGIC IMPLICATIONS:

The amendment of policies is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 4.1 - *Review of Policies on Governance and Management*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed policy will strengthen the Town's procedures by formalising the current practice. The new policy will also include the following:

- a written agreement is to be signed by the cardholder which sets out the cardholder's responsibilities and legal obligations when using the Credit Card;

- all cardholders shall be provided with a copy of this policy relating to the use of Credit Cards; and
- in the event an employee proceeds on extended period of leave for more than three (3) months or they are moved to a position which does not require the use of a Credit Card, the card shall be surrendered to the Manager Financial Services.

The adoption of a policy relating to Corporate Credit Cards is therefore recommended.

APPENDIX 10.4.4

POLICY NO: 1.2.12

USE OF CORPORATE CREDIT CARDS

OBJECTIVES

This policy is to provide guidance for the use of Corporate Credit Cards in the Town's operations. When used correctly, Corporate Credit Cards can deliver significant benefits through improved administrative procedures and more effective cash management.

POLICY STATEMENT

1. The use of Corporate Credit Cards shall only be approved if there is a demonstrated need and advantage to the Town. These include:
 - (i) elimination or reducing time spent on paper based ordering and payments;
 - (ii) reduction of administrative costs;
 - (iii) reducing the number of payments per month;
 - (iv) provision of a useful resource in an emergency situation; and
 - (v) reducing the need to carry cash on the premises.

2. Applications for Corporate Credit Cards and Approval

All applications for a Corporate Credit Card shall be approved by the Chief Executive Officer.

In the case of the Chief Executive Officer, the Council shall approve the application and determine the conditions for use and maximum credit limit and credit limit for each individual transaction.

3. Register

A register shall be maintained by the Manager Financial Services of all Credit Cards issued. The register shall include:

- (i) date of approval by Chief Executive Officer;
- (ii) name of card holder;
- (iii) conditions of use of the card;

- (iv) ~~maximum credit limit of \$5,000;~~ (refer to-“General”)
- (v) ~~maximum credit limit per transaction of \$2,000; and~~ (refer to-“General”)
- ~~(vi)~~(iv) a review date for continuing use of the card, not exceeding 24 months.

4. Issuing of Corporate Credit Cards to Elected Members

- (i) The Local Government Act does not make provision for the issuing of credit cards to Elected Members. (A Local Government can only pay allowances or reimburse expenses to an Elected Member).
- (ii) Elected Members shall not be issued with a Corporate Credit Card as there are no provisions within the Act which allow an Elected Member to incur a debt.

5. Policies and Procedures Governing the Use of Corporate Credit Cards

The following shall be complied with for controlling the use of Corporate Credit Cards:

General

- an agreement shall be signed by the cardholder which sets out the cardholder’s responsibilities and legal obligations when using the Credit Card;
- a register by the Manager Financial Services of all current cardholders should be kept which includes card number, expiry date of the Credit Card, credit limit and details of goods and services the cardholder has authority to purchase;
- all new and existing cardholders shall be provided with a copy of the policies relating to the use of Credit Cards;
- in the event an employee ceases employment with the Town, an extended period of leave is taken of more than three (3) months or they are moved to a position which does not require the use of a Credit Card, the card shall be surrendered to the Manager Financial Services;
- when an employee misplaces their Credit Card, they shall promptly report the matter to Manager Financial Services, who shall immediately cancel the card;
- Credit Cards shall not be transferred to other users;
- maximum credit limit of \$5,000;
- maximum credit limit per transaction of \$2,000;

- use of the reward schemes, such as Fly Buys, will not be permitted for personal gain;
- all surrendered Credit Cards shall be destroyed by the Manager Financial Services preferably in the presence of another employee;
- in the event that a cardholder fails to comply with the policies requirements, the Chief Executive Officer shall withdraw the use of the Corporate Credit Card and take appropriate disciplinary action. All criminal/illegal acts of alleged misuse shall be reported to the Police and other relevant authorities; and
- the use of Corporate Credit Cards for personal entertainment uses is prohibited.

Purchasing

- Credit Cards shall only be used for purchasing goods and services on behalf of the Town;
- personal expenditure is strictly prohibited;
- a Credit Card shall not be used for cash withdrawals;
- maximum credit limits shall be based on the cardholder's need and approved by the Chief Executive Officer;
- ~~a maximum amount of credit for any one card shall not exceed \$5,000;~~
- ~~a maximum amount of credit for any one transaction shall not exceed \$2,000; and~~
- purchases by facsimile, telephone or over the internet shall be authorised by the person and all paperwork shall be kept and verified.

Payments

- the cardholder shall provide appropriate and sufficient documentary evidence of all charges, as required, on a regular basis;
- time frames for all payment of accounts shall be monitored by Manager Financial Services to ensure that credit charges are minimised and accounts are paid so as not incur a penalty or interest;
- cardholders cannot approve expenditure incurred on their own cards – these ~~shall~~ will be referred to the Chief Executive Officer and/or Executive Manager Corporate Services for approval – the Chief Executive Officer shall refer any such instances to the Executive Manager Corporate Services.

10.4.5 Consideration of Public Submissions – Various Policies

Ward:	-	Date:	29 November 2005
Precinct:	-	File Ref:	ORG0023
Attachments:			
Reporting Officer(s):	A Smith, John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Report on the Public Submissions – Various Policies; and*
- (ii) *AMENDS Policy No 1.2.10 – Commercial Dealings – Native Forest Woodchips to read as follows:*

“POLICY NO: 1.2.10

COMMERCIAL DEALINGS – NATIVE FOREST WOODCHIPS

OBJECTIVES

To provide guidance for the Town’s Council’s dealings with companies associated with the ~~logging of old growth forests/exports~~ of native forest woodchips.

POLICY STATEMENT

That the Town Council:

- 1. *as far as is practicable, will have no new direct commercial dealings with any company or its wholly owned subsidiary if that company or any of its subsidiaries exports native forest woodchips from Australia; and*
- 2. *will have regard to the principles of ecologically sustainable development in carrying out its responsibilities as a purchaser of goods and services.”*

Moved Cr Maier, Seconded Cr Torre

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

- “(ii) *AMENDS Policy No 1.2.10 – Commercial Dealings – Native Forest Woodchips to read as follows:*

“POLICY NO: 1.2.10

COMMERCIAL DEALINGS – NATIVE FOREST WOODCHIPS

OBJECTIVES

To provide guidance for the Town’s Council’s dealings with companies associated with the logging of old growth forests/~~exports~~ or production of native forest woodchips.

POLICY STATEMENT

That the Town Council:

1. ***as far as is practicable, will have no ~~new~~ direct commercial dealings with any company or its wholly-owned subsidiary if that company or any of its subsidiaries ~~exports native forest woodchips from Australia~~ undertakes the logging of old growth forests, or the production of native forest woodchips that is not done in an ecologically sustainable manner; and***
2. ***will have regard to the principles of ecologically sustainable development in carrying out its responsibilities as a purchaser of goods and services.”***

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

COUNCIL DECISION ITEM 10.4.5

That the Council;

- (i) ***RECEIVES the Report on the Public Submissions – Various Policies; and***
- (ii) ***AMENDS Policy No 1.2.10 – Commercial Dealings – Native Forest Woodchips to read as follows:***

“POLICY NO: 1.2.10

COMMERCIAL DEALINGS – NATIVE FOREST WOODCHIPS

OBJECTIVES

To provide guidance for the Town’s Council’s dealings with companies associated with the logging of old growth forests/~~exports~~ or production of native forest woodchips.

POLICY STATEMENT

That the Town Council:

1. ***as far as is practicable, will have no ~~new~~ direct commercial dealings with any company or its wholly-owned subsidiary if that company or any of its subsidiaries ~~exports native forest woodchips from Australia~~ undertakes the logging of old growth forests, or the production of native forest woodchips that is not done in an ecologically sustainable manner; and***
2. ***will have regard to the principles of ecologically sustainable development in carrying out its responsibilities as a purchaser of goods and services.”***

PURPOSE OF REPORT:

The purpose of this report is to consider any public submissions received as part of the policy review process.

BACKGROUND:

At the Ordinary Meeting of Council held on 11 October 2005, the Council resolved as follows:

- “(i) APPROVES the following policies being re-adopted without any amendments as shown in Appendix 10.4.1:
- 1.1.2 – Use and Hire of Recreational Reserves and Parks; and
 - 1.2.2 – Code of Tendering;
- (ii) AMENDS and re-adopts the following Policies as shown in Appendix 10.4.1:
- 1.1.5 – Donations to Sports People;
 - 1.1.7 – Hiring of Banner Poles and Displaying of Promotional Banners;
 - 1.2.10 – Commercial Dealings – Native Forest Woodchips; and
 - 4.1.6 – Community/Precinct Groups; and
- (iii) AUTHORIZES the Chief Executive Officer to:
- (a) advertise the amended policies for a period of twenty one (21) days, seeking public comment;
 - (b) report back to the Council with any public submissions received; and
 - (c) include the policy in the Council’s Policy Manual if no public submissions are received.”

DETAILS:

At the close of submissions, three (3) submission were received as follows:

1. Forest Products Commission Western Australia – Policy 1.2.10 – Commercial Dealings – Native Forest Woodchips

The Forest Products Commission Western Australia advised as follows:

“The policy statement indicates that Council is concerned about logging of old growth forests, the export of native forest woodchips and the importance of ecologically sustainable development principles.

With respect to these matters, the following comments are relevant.

1. *The State Government ceased harvesting of old growth forests in Western Australia when it came to office in February 2001 and acted on its ‘Protecting our growth forests’ policy. That policy has now been reflected within the Forest Management Plan 2004-13 (FMP) which protects all old growth forests in formal or informal reserves.*
2. *The policy statement is not specific about whether Council’s concern relates only to export of native forest woodchips, to wood chipping in native forests per se, or only to wood chipping as it impacts on old growth forests.*

Wood chipping of native forest timbers in Western Australia has reduced considerably in recent years. However, it remains a significant means of gainfully utilising lower quality timber from regrowth forests to minimise waste, facilitate successful forest regeneration practices, and reduce overheads for local Western Australian manufacturers of high value furniture, flooring and joinery.

The Forest Products Commission continues to pursue opportunities for this material to be processed locally.

- 3. The Forest Products Commission and the Department of Conservation and Land Management are required by their respective enabling legislation to conduct their operations in accordance with ecologically sustainable forest management (ESFM) principles.*

Again, this requirement is embodied in the FMP which is specifically structured around the seven Montreal Criteria that characterise ESFM.

I would be pleased to arrange further information on these or associated matters for your Council or staff if you feel it would assist Council in its consideration of Policy 1.2.10 given the changes in forest management policy since its adoption in 1999."

CEO's comment:

It is appropriate for this policy to be amended to take cognisance of the State Government's Forest Products Commission's comments on old growth forests.

Furthermore, the policy should be tempered to reflect the current practices of the Town by adding the words "*as far as is practicable*". It is very difficult for the Town's employees to be aware of companies (or their subsidiaries) involvement in the timber industry. The policy will retain its philosophical support to the principal of ecologically sustainable development.

2. Smith's Lake Precinct Group

The Smith's Lake Precinct Groups advised that these policies were discussed at its meeting held on 28 November 2005 and advised as follows:

"The meeting endorsed the proposed amendments. Reservations were expressed about some amendments that transferred decisions on fees from statements in a policy to provisions in the Town's budget as being less transparent."

CEO's comment:

The comment about the transfer of fees cannot be supported. This process is in keeping with Best Practice, as it requires the Council to review its fees on an annual basis during the budget process, thus ensuring the fees are appropriate and relevant.

3. North Perth Precinct Group

The North Perth Precinct Group submitted a letter concerning the Policy relating to Community/Precinct Groups, seeking an increase in on-going financial support. This request will be investigated and reported to Council at a later date.

CONSULTATION/ADVERTISING:

The amended policies were advertised in the Guardian Express on 1 November 2005 with submissions closing on 30 November 2005. Copies were also sent to the Precinct and Business Groups for comment and placed on the Town's website.

STRATEGIC IMPLICATIONS:

The amendment of policies is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 4.1 - *Review of Policies on Governance and Management*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that Policy No 1.2.10 be amended as detailed in this report.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Maier – Mindarie Regional Council Overseas Site Visit

That the Council;

- (i) *EXPRESSES its concern at the Mindarie Regional Council's decision to send five elected members on an overseas site visit, at an estimated cost of up to \$300,000, as part of the tender evaluation process for the proposed Resource Recovery Facility; and*
- (ii) *REQUESTS the Mindarie Regional Council to:*
 - (a) *rely on the professional advice of its officers in the assessment of the tender; and*
 - (b) *reconsider its decision and reduce the number of elected members participating in the site visit to no more than three.*

Moved Cr Maier, Seconded Cr Lake

That the motion be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That the motion be amended to read as follows:

That the Council;

- ~~(i) *EXPRESSES its concern at the Mindarie Regional Council's decision to send five elected members on for an overseas site visit, at an estimated cost of up to \$300,000, as part of the tender evaluation process for the proposed Resource Recovery Facility; and*~~
- ~~(ii) *REQUESTS the Mindarie Regional Council to:*~~
 - ~~(a) *rely on the professional advice of its officers in the assessment of the tender; and*~~
 - ~~(b) *reconsider its decision and reduce the number of elected members participating in the site visit to no more than three.*~~

Debate ensued.

AMENDMENT CARRIED (5-2)

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

(Crs Ker and Messina on leave of absence.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

COUNCIL DECISION ITEM 11.1

That the Council EXPRESSES its concern at the Mindarie Regional Council's decision for an overseas site visit, at an estimated cost of up to \$300,000, as part of the tender evaluation process for the proposed Resource Recovery Facility.

At 10.18pm Moved Cr Chester, Seconded Cr Farrell

That the meeting be extended for a further 15 minutes to permit the remaining items to be considered.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

Journalist – Dan Hatch departed the meeting at 10.18pm.

At 10.18pm Moved Cr Farrell, Seconded Cr Torre

That the meeting proceed “behind closed doors” to consider the confidential Items 14.1, 14.2 and 14.3 as they contain employee contractual details, legal advice and/or commercially sensitive information.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

14. CONFIDENTIAL ITEMS (*behind closed doors*)

14.1 Chief Executive Officer’s Annual Performance Review 2005
--

Ward:	-	Date:	30 November 2005
Precinct:	-	File Ref:	Personal
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (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, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating the Chief Executive Officer’s Annual Performance Review 2005; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

At 10.18pm Moved Cr Farrell, Seconded Cr Torre

That the meeting proceed “behind closed doors” to consider the confidential Items 14.1, 14.2 and 14.3 as they contain employee contractual details, legal advice and/or commercially sensitive information.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) *RECEIVES the Chief Executive Officer's Performance Review Report 2005 and endorses the overall rating of "Satisfactory - Meeting the Performance Requirements" of the position of Chief Executive Officer of the Town of Vincent;*
- (ii) *NOTES that the next review of the CEO's performance is to be conducted in October 2006;*
- (iii) *ENDORSES the draft Key Result Areas based on the Town's Strategic Plan 2005-2010 (Amended) for the 2006 review period;*
- (iv) *VARIES the Review process for 2006 to allow:*
 - *adoption of action items arising from any revision of the Town's Strategic Plan;*
 - *Elected Members be provided with the choice of providing feedback by means of a questionnaire or by interview (face to face or telephone);*
 - *the Appraisal meeting to be convened in two parts:*
 - (a) *Elected Members and facilitator to review aggregated feedback and CEO Report (1st hour); and*
 - (b) *CEO to join meeting at the completion of (i) to discuss feedback; and*
- (v) *NOTES that the Chief Executive Officer has agreed to amend the Deed of Contract of Employment, Clause 5, to vary the review process as detailed in (iv)(a) and (b).*

MOTION CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

The following Confidential Report has been made public.

BACKGROUND:

The Chief Executive Officer's Performance Review 2005 was conducted by a Committee of the Council comprising of Mayor Nick Catania and all Councillors. The Council approved of Mr John Phillips, Executive Manager, Workplace Solutions - Western Australian Local Government Association (WALGA) to facilitate the review. Mr Phillips has reported as follows;

"This Review has been conducted in accordance with sections 5.38 and 5.39(3)(b) of the Local Government Act 1995, which requires that:

- The performance of the CEO be reviewed at least once a year;
- The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review.

The Council and the incumbent Chief Executive Officer, Mr John Giorgi also recognise that the performance management process is a process which can assist in the effective management of Local Government business by clarifying roles and responsibilities, providing feedback, assisting personal development and setting goals for the future.

The period of the review was September 2004 to September 2005.

Methodology

Council appointed Mr John Phillips, Executive Manager 'Local Government Workplace Solutions', Western Australian Local Government Association to facilitate the Town's performance review process.

The CEO provided a performance report of achievements and progress based on the Town's Strategic Plan on 30 September 2005.

Nine Elected Members (including the Mayor) contributed to the feedback process by way of responses to a questionnaire distributed on 7 October 2005. The questionnaire also reflected the Key Result Areas based on the Strategic Plan. Any constructive feedback Councillors wished to make regarding performance, action or incidents during the year was invited.

A Summary Report was prepared which reflected Mr Giorgi's report as well as an aggregation of all responses and ratings received from the nine (9) Elected Members who contributed to the process.

The facilitator met with the Chief Executive Officer on 4 November 2005 to brief him on the Summary Report and to discuss the ensuing process. The facilitator then met with five (5) Elected members, including the Mayor, at a briefing conducted on 18 November 2005 to similarly discuss the Summary Report and to arrive at a consensus view on the overall performance of the CEO during the review period. These views are reflected in this report.

Executive Summary

The review of Mr John Giorgi's performance as the Chief Executive Officer of the Town of Vincent has been carried out in accordance with Council's statutory and contractual obligations. The review was conducted in accordance with the terms of Mr Giorgi's contract with the Town.

Ratings

KRA 1: Environment & Infrastructure	Satisfactory. Meets performance requirements, acceptable work performance.
KRA 2: Community Development	Exceeds Requirements. Generally exceeds requirements, high standard performance.
KRA 3: Economic Development	Satisfactory. Meets performance requirements, acceptable work performance.
KRA 4: Governance and Management	Exceeds Requirements. Generally exceeds requirements, high standard performance.
Overall Assessment	Satisfactory. Meets performance requirements, acceptable work performance.

Recommendations

1. Council receives this Performance Review report and endorses the overall rating of satisfactory - meeting the performance requirements of the position of Chief Executive Officer of the Town of Vincent;
2. the next review of the CEO's performance to be conducted in October 2006;
3. that the draft Key Result Areas based on the Town of Vincent's Action Plans be endorsed for the 2005 review period; and
4. that the Review process for 2006 be varied to allow:
 - adoption of action items arising from any revision of the Town's Strategic Plan;
 - Elected Members be provided with the choice of providing feedback by means of a questionnaire or by interview (face to face or telephone); and
 - the Appraisal meeting to be convened in two parts:
 - (i) Elected Members and facilitator to review aggregated feedback and CEO Report (1st hour); and
 - (ii) CEO to join meeting at the completion of (i) to discuss feedback.

1. Outcome of Appraisal

"Elected members are satisfied that Mr Giorgi's performance has been satisfactory during the period of review, meeting the performance requirements of the position of CEO during the review period. It was noted that Mr Giorgi has exceeded in some areas, most notably in relation to the management of major projects, the significant level of infrastructure development within the Town (with a resultant appreciation in the level of asset value) and in relation to his contribution and involvement in the proposed Tamala Park Regional Council – land development.

It was noted that the Review conducted in 2004 sought an improvement in customer service standards. It was also noted that recently conducted customer survey demonstrated a commendable 87% satisfaction rate, and that the Town had developed a customer service charter. Elected Members agreed that the level of service could be again improved by the further refinement of the Town's process management system by adding to the process to ensure a capacity to trace a customer contact from inception (e.g. phone, in person, email) through the various levels of the organisation. This would allow the Town to manage any criticism that customers' issues were "*lost in the system*".

CEO's Comments:

The CEO acknowledges the comments. Action will be taken to address the matter relating to the process of dealing with customer contact and requests.

2. Performance Criteria

"The Committee recommends that the Council not vary the performance criteria as a consequence of the performance review this year."

CEO's Comments:

The CEO concurs with this recommendation.

3. Directions or Recommendations

That the Review process for 2006 be varied to allow:

- adoption of action items arising from any revision of the Town's Strategic Plan;
- Elected Members be provided with the choice of providing feedback by means of a questionnaire or by interview (face to face or telephone); and
- the Appraisal meeting to be convened in two parts:
 - (i) Elected Members and facilitator to review aggregated feedback and CEO Report (1st hour); and
 - (ii) CEO to join meeting at the completion of (i) to discuss feedback.

CEO's Comments:

The CEO agrees to the recommended Review Process for 2006.

COMMUNITY CONSULTATION/ADVERTISING:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the facilitator was approximately \$2,057 (incl GST).

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 4 - "Governance and Management", in particular, 4.4(d) - "Promote employee professional development programs".

LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995, Section 5.38 requires that “... *The performance of each employee who is employed for a term of more than one year including the CEO and each senior employee is to be reviewed at least once in relation to every year of employment*”.

The CEO's Performance Review is specified in the Contract of Employment at Item 5.0 as follows;

1. Conduct of Performance Reviews

- 5.4.1 (a) As soon as practicable after receipt of notice, the Employee shall prepare a report assessing his own performance of the duties as Chief Executive Officer measured against the Position Description and the Performance Criteria;
- (b) The Employee will present their report to the Reviewing Person and the Mayor as the case requires, and make Himself available for interview;
- (c) The Reviewing Person will send each Elected Member a questionnaire to individually record their assessment and impressions of the Employee's performance;
- (d) A summary of the Elected Member responses will be jointly discussed between the Reviewing Person, Mayor and Employee;
- (e) The Employee will be provided with the opportunity to comment;
- (f) The Reviewing Person and the Mayor shall prepare a report, in consultation with the Employee;
- (g) The report shall be submitted to the Council within twenty days, with an appropriate recommendation to the Council.

2. The report shall include:

- (a) any conclusions about the conclusions about the Employee's performance during the period the subject of the performance review;
- (b) any proposal to vary the Performance Criteria as a consequence of the performance review and any comments by the Employee;
- (c) any directions or recommendations made to the Employee in relation to his or her future performance of the duties as Chief Executive Officer; and
- (d) details of the extent, if any, to which the Employee disagrees with the statements in the report.

A performance review shall not be conducted by the Town more often than once in every 12 months.

COMMENTS:

The CEO's Annual Performance Review was carried out in accordance with the Local Government Act 1995, Contract of Employment and Council decision requirements.

14.2 Premier's Australia Day Active Citizenship Awards - Nominations for 2006

Ward:		Date:	30 November 2005
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) *ADVISES the nominators of the Awards after the Australia Day Ceremony 2006.*

At 10.18pm Moved Cr Farrell, Seconded Cr Torre

That the meeting proceed "behind closed doors" to consider the confidential Items 14.1, 14.2 and 14.3 as they contain employee contractual details, legal advice and/or commercially sensitive information.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

COUNCIL DECISION ITEM 14.2

MOTION CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

DETAILS:

In October 2005 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 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 2005 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. By the close of nominations on 11 November 2005, five (5) nominations were received. Two (2) were for the category of "*A person of 25 years or older*" and three (3) were for the category of "*Community Group or Event*". No nominations were received for the category for a "*person under 25 years*". Nominations 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:

Previous recipients for the Award were Sally Lake (2003), Cosi Schirripa (2004) and Despina Kalafatas and the Rotary Club of North Perth for the Hyde Park Community Fair (2005).

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.

14.3 Proposed Alterations and Additions to Existing Shops - State Administrative Tribunal (SAT) Hearing

Ward:	South	Date:	30 November 2005
Precinct:	Leederville; P4	File Ref:	PRO0860; 00/33/1587
Attachments:	001		
Reporting Officer(s):	G Snelling		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 226 (Lot 1) Oxford Street, corner of Richmond Street, Leederville - proposed access ramps for people with disabilities, to the alterations and additions to existing shops - State Administrative Tribunal (SAT) Hearing (Matter CC 3208 2005);*
- (ii) *in accordance with the provisions of the Building Code of Australia, does NOT SUPPORT the proposed access ramps at a gradient of 1:8 and without a level landing area for people with disabilities, to the alterations and additions to existing shops at No. 226 (Lot 1) Oxford Street corner of Richmond Street, Leederville, and as shown on the amended plans stamp dated 22 November 2005, for the following reasons:*
 - (a) *non-compliance with the required ramp gradient of 1:14; and*
 - (b) *non-compliance with the required level landing area in front of the entrance door; and*
- (iii) *AUTHORISES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

COUNCIL DECISION ITEM 14.3

Moved Cr Torre, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

At 10.35pm **Moved Cr Farrell, Seconded Cr Torre**

That an "open meeting" be resumed.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

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:

On 10 November 2005 at the State Administrative Tribunal site visit, the Town's Officers have had further discussions with the applicant and property owner in relation to increasing the height of the existing footpath level, to assist in providing a complying access ramp for people with disabilities into the shops, and this work would only be done at the developer's expense. However, it would appear that changes to the existing footpath level alone may not achieve compliant access into the shops. The applicant and property owner agreed to submit revised details of access into these shops, on the understanding that the revised access details will be considered by the Council at an Ordinary Meeting of Council.

BACKGROUND:

24 June 2003 The Council at its Ordinary Meeting held on 24 June 2003 approved the planning application for alterations and additions to existing shops at No. 226 (Lot 1) Oxford Street, corner Richmond Street, Leederville.

9 July 2004 Building Licence No. 20/2363 was issued on 9 July 2004, for proposed alterations and additions to existing shops at No. 226 (Lot 1) Oxford Street, corner Richmond Street, Leederville. Condition (13) of the Building Licence stated:

"(13) Provide access for people with disabilities in accordance with BCA D3".

This condition requires that facilities including an access ramp for people with disabilities, comply with the Building Code of Australia (BCA) and the Australian Standard (AS) 1428.1 ramp gradients.

4 March 2005 During construction a site inspection was carried out by a Town's Officer, and in a letter dated 4 March 2005 the Town wrote to Brighton Constructions (the builder) expressing the following concerns of non-compliance:

"It was noticed during the site inspection that the new floor levels are significantly higher than the existing footpath level consequently, access for people with disabilities into the building may be restricted. In accordance with the Building Code of Australia Part D3 and as required in Condition No. 13 on the approved Building Licence 20/2363, access must be provided for people with disabilities into the building.

You are requested to provide the Town with details showing how access in accordance with Australian Standard 1428.1 will be achieved prior to any further works commencing."

17 March 2005 Site meeting with the builder, architect and the Town's Officers, discussed providing access for people with disabilities in to the building.

6 April 2005 The builder provided a diagram of proposed alterations to the footpath levels adjacent to Richmond Street, Leederville. However, after consultation with the Town's Officers, it was confirmed to the builder by telephone on 24 May 2005, that the Town can only raise the footpath paving by 100 millimetres above kerb level, to assist the builder to construct the required access for people with disabilities for this development.

- 22 June 2005 The Town received a report entitled “*Access for People with Disabilities Report*” dated 14 June 2005 by Bluefish Design. This report outlined a case requesting that this building be exempt from the requirements of the BCA Part D3 and the AS 1428.1.
- 4 July 2005 In response to the above mentioned report dated 14 June 2005, the Town's letter dated 4 July 2005 to the applicant, expressed the following concerns of non-compliance:
- "I refer to the “Access for People with Disabilities Report” dated 14 June 2005 by Bluefish Design in regard to the commercial development under construction at the above mentioned property.*
- Please be advised that the Town has considered all the issues raised in the report; however, it is the Town's opinion that in accordance with the Building Regulations 1989 Clause 5, the alterations and additions to the existing commercial building are significant and Building Code of Australia (BCA) Part D3 must be applied. Therefore, access for people with disabilities is required to Shops 2, 3, 4 and 5 as stated in the approved Building Licence No. 20/2363 issued on 9 July 2004. It should be noted that access to Shop 1 in accordance with Part D3 will not be required as there is no significant change to the existing shop.*
- As you are aware, the Town has liaised with the Brighton Constructions in regard to increasing the existing footpath levels to assist in providing compliant access into the shops. It has been agreed by the Town's Technical Services Section that the existing footpath may be raised to a maximum of 100 millimetres in height above kerb level (to be confirmed pending a further site inspection), which should facilitate in providing compliant access into Shop 2. This work would only be done at the Developer's expense. However, it would appear that changes to the existing footpath level alone will not achieve compliant access into Shops 3, 4 and 5. An alternative means of access into these shops will need to be considered and details submitted to the Town for approval.*
- It should be noted that any changes to the original Planning Approval may require a new Planning Application to be submitted to and approved by the Town."*
- 26 July 2005 On 26 July 2005 and 8 August 2005, the applicant provided facsimiles and diagrams of proposed alterations to the footpath levels adjacent to Richmond Street, Leederville. In response to the applicant, the Town's letter dated 18 August 2005 expressed the following concerns of non-compliance:
- "Please be advised that the Town's Technical Services Division has reviewed the proposals and the following response is provided for your information.*
- Facsimile dated 26 July 2005***
- As stated previously the Technical Services Division will allow a greater cross fall than the standard 2 percent on the footpaths adjacent to the above shops to assist with access for people with disabilities. However, this is limited to 100mm, above the top of kerb height, at the property boundary line. In terms of longitudinal grade this should vary as little as possible and reflect the grades of the road side kerb. This is to allow for stormwater runoff and to facilitate the safe movement of all pedestrians with or without disabilities. Therefore, the Technical Services Division is unable to approve the extension of the 1: 14 (7 percent) grade ramp into the footpath.*

Facsimile dated 8 August 2005

In respect of the proposed ramps being constructed in the road reserve, the road reserves are used for the distribution of many services such as water, power and telephone. Therefore, the road verges must remain accessible for maintenance and installation of these services by the various Service Providers. It is for this reason that the Technical Services Division will not approve the installation of these ramps within the road reserve."

23 August 2005 The Town issued a notice under the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (b), for the following non-complying step structures:

- (i) a concrete step measuring approximately 180 millimetres high at the front entrance to shop 2;
- (ii) a concrete step measuring approximately 250 millimetres high at the front entrance to shop 3; and
- (iii) concrete steps measuring approximately 320 millimetres high at the front entrance to shop 4 and shop 5;

at No. 226 (Lot 1 Deposited Plan 956) Oxford Street, Leederville, Western Australia ('Property').

The above notice for the non-complying step structures was issued for the following reasons:

- (1) the non-compliance with the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (b), which states that:

"A local government may, during or after the erection of a building in its district, give to the builder or owner of the building, written notice of anything in the construction of the building -

(b) which is not in compliance with, or is a departure from, the plans and specifications for the building, of which plans and specifications the approval of the local government has been obtained as required by this Act, or which is a contravention of this Act."

- (2) the non-compliance with the Building Code of Australia (BCA) and the Australian Standard (AS) 1428.1.

8 September 2005 Application lodged with the State Administrative Tribunal to review the Town's notice issued 23 August 2005, under the Local Government (Miscellaneous Provisions) Act 1960.

4 October 2005 State Administrative Tribunal (SAT) directions hearing held. Order 1 of the SAT directions hearing states as follows:

"The matter listed for hearing at 9.30am on Thursday 10 November 2005."

Order 2 of the SAT directions hearing states as follows:

"The matter will begin at 9.30am with a site visit at the corner of Richmond and Oxford Street, Leederville."

10 November 2005 State Administrative Tribunal (SAT) site visit held.
On application heard before Members from SAT, Order 1 of the SAT site visit states as follows:

"At a site visit prior to the matter on 10 November 2005, the parties agreed to adjourn the hearing to a later date."

Order 2 of the SAT site visit states as follows:

"The hearing of the 10 November 2005 is therefore relisted for Wednesday 21 December 2005 at 10am."

DETAILS:

The proposal consists of extending the existing shop building by approximately 2.5 metres to the Richmond Street property boundary, construction of a new shop facade and new entrance ramps, and the estimated value of construction being two hundred and fifty thousand dollars (\$250,000.00).

On 10 November 2005 at the State Administrative Tribunal site visit, the Town's Disability Services Officer, Principal Building Surveyor, Consultant Building Surveyor and Senior Engineering Technical Officer, discussed with the applicant and property owner, the matter of increasing the height of the existing footpath level, to assist in providing a complying access ramp for people with disabilities into the shops, and this work would only be done at the developer's expense. However, it would appear that changes to the existing footpath level alone may not achieve compliant access into the shops. The applicant and property owner agreed to submit revised details of access into these shops, on the understanding that the revised access details will need to be considered and submitted to the next available Ordinary Meeting of Council.

On 15 November 2005, the Town's Co-ordinator of Engineering Services and Senior Engineering Technical Officer conducted a site inspection to determine the extent of works required for the regrading of the existing brick paved footpath on the Richmond Street side of this development. It was determined that to increase the height of the existing paving by 100 millimetres at the property boundary in front of the doors to Shops 3, 4 and 5, that an area of paving twenty (20) metres long extending from the eastern corner of the building and extending across the full width of the footpath would need to be relaid.

The cost for the Town to carry out alterations to the footpath, excluding the height extension required to the Telstra Pits located in the footpath, will be \$3300 (including GST). Telstra has been asked to supply a quotation to extend these pits; when this quotation has been received the Town will supply a final quotation for the completion of these works.

The applicant submitted additional information and plans stamp dated 22 November 2005, demonstrating a non-complying access ramp for people with disabilities with a gradient of 1:8, in lieu of a 1:14 complying ramp gradient.

The applicant has provided the following comments in support of the application:

- Thankyou for the opportunity to provide supporting information for Council consideration for approval for a 1 in 8 internal access ramp and raise the verge footpath level to a height of 150 millimetres above the adjacent kerb level.
- The approved alterations and additions to the building are of a minor and aesthetic nature. The building works consisted of replacing and extending the shop front forward two metres. The circumstance and use of the building has not changed.
- The building has been constructed exactly in accordance with the Building Licence approved plans and specifications.

- An oversight by the architect not to take levels of the verge prevented the realisation that the condition placed on the Building Licence to provide access for people with disabilities could not be complied with.
- Due to the nature of the site and difficulties in constructing access ramps to the building, it is not practical nor reasonable with the building works completed to provide a 1 in 14 gradient ramp within the building. Significant hardship will be placed on the building owner if the building is required to comply.
- Significant alterations to the completed works are required to be made to install a 1 in 8 gradient ramp. A 1 in 8 gradient ramp is permitted by AS 1428.1 for a maximum length of 1.52 metres. While a ramp greater in length is likely to be more onerous for some people with disabilities to traverse, access to the building for people with disabilities will be provided.
- To comply with the prescriptive requirements of the Australian Standard for access would not be reasonable and would cause unjustifiable hardship on the building owners.
- There are a number of examples within the Town of Vincent of access ramp gradients greater than 1 in 14 and where changes in the verge footpath levels have been made in order to provide access for people with disabilities into buildings.
- In conclusion, the building owner has resolved to make a significant alteration to the completed building works in order to provide access for people with disabilities. Favourable consideration is sought, however, from the Council to assist the building owner in providing access to shop 4 and shop 5 by permitting a 1 in 8 internal ramp to be constructed and approval to raise the verge footpath level to a height of 150 millimetres above the adjacent kerb height.

The applicant's submission is attached to this Agenda report.

The BCA Part A3 defines the existing shops as a Class 6 building, and as such requires that access for people with disabilities be provided in accordance with the Deemed-to-Satisfy Provisions and Specifications of the BCA Part D3, in particular the following BCA Table D3.2:

Table D3.2 Requirements for Access for People With Disabilities

"Access requirements for Class 5, 6, 7 and 8 buildings:

To and within -

- (i) the entrance floor; and*
- (ii) any other floor to which vertical access by way of a ramp, step ramp or kerb ramp complying with AS 1428.1 or a passenger lift is provided. "*

In summary the relevant 'Deemed to Satisfy Provisions' of the BCA Part D3, clearly require the following:

D3.1 Application of Part

"The Deemed to Satisfy Provisions of this Part apply to Class 3, 5, 6, 7, 8, and 9 buildings."

D3.2 General building access requirements

- (a) Buildings must be accessible as required by Table D3.2.*
- (b) Parts of buildings required to be accessible must comply with this Part and AS 1428.1.*
- (c) External access to a building required to be accessible must be in accordance with this Part and AS 1428.1, and must be provided -*
 - (i) from the allotment boundary at the main points of entry; and*
 - (iv) through the principal public entrance."*

D3.3 Parts of buildings to be accessible

- "(b) A path of travel required to be accessible must not include a stairway, turnstile, revolving door, escalator or other impediment which would prevent a person in a wheelchair using it.
- (c) Access, finishes and fittings, including passageways, ramps, step ramps or kerb ramps, signs, doorways and other parts of the building required by this Part must comply with the provisions of AS 1428.1."

The Town may grant a concession in accordance with the BCA, subject to the following criteria:

D3.4 Concessions

"It is not necessary to provide access for people with disabilities to:

- (a) more than 30% of the public space in a restaurant, cafe, bar, function room, or the like, in a Class 6 or Class 9b building; or
- (b) a mezzanine; or
- (c) a space not regarded as a storey by definition; or
- (d) any area if access would be inappropriate because of the particular purpose for which the area is used."

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to the Building Code of Australia Part D3
Maximum Ramp Gradient	1:14	1:8	Not supported - the Town's Officers consider that the increased gradient and no landing provision, does not provide safe and compliant access for people with disabilities.
Consultation Submissions			
No consultation was required as this matter relates to a review by SAT of the non-compliance with the BCA, and AS 1428.1 to the subject shop development, and involves no greater variations to the development application which was previously advertised, and is being referred to Council for determination.			
Other Implications			
Legal/Policy			Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (b), the Building Code of Australia and Australian Standard 1428.1.
Strategic Implications			Nil
Financial/Budget Implications			Nil

Disability Discrimination Act 1992 (DDA)

The DDA is a Commonwealth Act and came into force on 1 March 1993, and requires that all community members have equal opportunity to access public services and facilities. This Act has jurisdiction over all areas of the built environment including premises and makes it unlawful to discriminate against a person in a range of areas including work, accommodation, transport, education and specifically access to premises. It also requires that all people must be able to access any building to which the public is entitled to enter or use, and have access to any services and facilities provided in those buildings. The DDA states that failure to provide equal access is unlawful, unless to do so would impose an unjustifiable hardship. Non-compliance with the DDA is determined upon submission of a complaint to the Human Rights and Equal Opportunity Commission (HREOC). It is not the role of a local government authority to adjudicate and enforce the provisions of the DDA, but rather satisfy itself that the responsibilities of the authority have been fulfilled. However, in situations such as this, the Town has exercised an appropriate duty of care, by bringing the owners and builders attention to the requirements of the DDA.

In summary the relevant objectives of the DDA are as follows:

- "(a) to eliminate as far as possible, discrimination against persons on the ground of disability;*
- (b) to ensure as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and*
- (c) to promote recognition and acceptance within the community, of the principle that persons with disabilities have the same fundamental rights as the rest of the community."*

The Town of Vincent is committed to universal access within the Town, and this includes people with disabilities, seniors and mothers with prams. One in five people in Western Australia have a disability, and this ranges from children to adults and includes physical, sensory, intellectual or neurological disabilities. According to the ABS statistics, 18 per cent of the Town of Vincent's population has a disability. This presents the Town with a challenge to make the community accessible and inclusive to all. The Town undertakes specific projects which assist residents and visitors to the Town to access services, buildings, facilities, public spaces, parks and reserves and businesses. This is re-enforced by the appointment of a fulltime Disability Services Officer and a Universal Access Advisory Group.

COMMENTS:

The Town considers that the building requirements should be enforced to ensure the building conforms to the Building Code of Australia and the Australian Standard 1428.1, as the alterations and additions to the existing commercial building are not considered to be minor works, as the estimated value of construction is two hundred and fifty thousand dollars (\$250,000.00).

The Building Licence No.20/2363 was issued on 9 July 2004, and the approved plans indicate 'concrete ramp' to the front entrance to shops 3, 4 and 5, and throughout the construction period the Town's Consultant Building Surveyor has provided written correspondence, held site meetings and advised the architect and the builder, of the requirement to construct the required access ramp for people with disabilities, in accordance with the requirements of the Building Code of Australia and the Australian Standard 1428.1.

The Town's decision to issue the notice was based on valid reasons as outlined above, as well as on the basis of upholding the implied intent, objectives and statutory requirements of Western Australia's current legislation, that is the Disability Discrimination Act 1992, Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989, and the Building Code of Australia.

The construction of a non-complying public access to a shop will create an undesirable and negative precedence for future developments to the general area, and have an undue negative impact on the building industry and the whole of the Town of Vincent.

Additionally, the Town's Officers are of the view that it would be in conflict with the Disability Discrimination Act 1992, if it was to support something that is discriminatory and not in the public interest, that is; to support the applicant's request for a concession of the BCA minimum requirement to construct a complying access ramp for people with disabilities.

On the basis of the above, it is recommended that the Council do not support the proposed access ramps at a gradient of 1:8 and without a level landing for people with disabilities in relation to the subject development.

At 10.35pm **Moved Cr Farrell, Seconded Cr Torre**

That an "open meeting" be resumed.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.35pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 6 December 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005