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(7 DECEMBER 2004)**

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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 7 December 2004, commencing at 6.04pm.

1. DECLARATION OF OPENING

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

The Presiding Member advised attendees that the Meeting was being recorded both by audio and visual.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

The Chief Executive Officer advised that due to a prior personal commitment Mayor Nick Catania JP would be late for the meeting.

(b) Present:

Mayor Nick Catania, JP	Presiding Member (from 7.26pm)
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward (Presiding Member until 7.26pm)
Cr Sally Lake	South Ward (until 9.53pm)
Cr Maddalena Torre	South Ward (from 6.08pm)

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Craig Wilson	Acting Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)

Mark Fletcher	Journalist – Voice News
Beverley Ligman	Journalist – Guardian Express (until 9.00pm)

Approximately 32 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Gary Shier of 7 Seabrook Street, Mt Hawthorn on behalf of the Aranmore Catholic Primary School – Item 10.1.2 – Stated there is a requirement that allows 30 dwellings however the proposal is for 31 and this has been squeezed the area and now exceeds the plot ration by 72.1 m². Requested acknowledgement that this is outside the scope. Stated he is unclear about the infill and referred to the Department of the Environment Report and geotechnical report. Requested that the infill be investigated and the minimum 1m fill be put in place. Advised that there is

an issue with regards to the spa and BBQ being outside the rooms of the Year 4 classrooms and requested Council take consideration of the impact this would have on children trying to learn during the day. Concerned about bad language and being within earshot of children. Requested that some arrangement be made that this part of the development be placed on the other side near the parkland. Further requested that the school be given an opportunity to look at the Management Plan so that it can be aware of the responsibilities of the developers.

Cr Torre entered the Chamber at 6.08pm.

2. Mr Paul Kotsoglo of Planning Solutions – Item 10.1.18 – Speaking as owner of Unit 1 – Referred to a fax sent to all Elected Members. Stated that the recommendation refers to the owner being "*Lefroy Nominees*", where the recent Minutes of the Strata Body states the owner of Unit 2 is Lindstorm Holdings Pty Ltd and Unit 3 is Video on Hold Pty Ltd. Believes this raises a question about the validity of the application again. Asked the Council to consider the amenity to the building as it exists and not put this in the context of the entire street. Believes modifications to the existing facilities such as the carparking areas, which are currently in common property, will impact upon the common property. Requested that Council not permit occupation of the premises for the proposed change of use until all the conditions have been satisfied.
3. Mr Phillip Ker of RJ Knott Petty Ker and Associates – Item 10.1.2 – Requested Council give consideration to deleting condition (v)(b) which refers to the screening of the first floor bedroom windows of Units 10, 11, 12 and 13. Stated that there is no adjoining residential use and the affected neighbour is a school which is used predominately during the day. Referred to the previous speaker regarding the sand fill heights.
4. Mr Erwin Swasbrook of 179 Lincoln Street, Highgate – Item 10.1.16 – Supports the development. Believes that there will not be any negative impact on the existing streetscape and the bulk and scale fits in with the lifestyle of today.
5. Mr Victor Miasi of 39 Belleview Crescent, Dianella on behalf of the owners of 369 Fitzgerald Street, North Perth – Item 10.1.11 – Stated that they are not opposed to the development but are concerned about the impact. Advised that they are not happy with the wall on the boundary as it is too high and too close and will overshadow windows facing south. Stated that there will also be a loss of their current view to the City but are restricting their concerns to the boundary wall and the lack of setbacks. Believes the site is being overdeveloped. Requested Council take these concerns into account.
6. Mr Kingsley Sullivan of 245 Scarborough Beach Road, Mt Hawthorn on behalf of Aranmore Catholic Primary School Board – Item 10.1.2 – Stated that they are opposed to the development. Stated that the school is home to over 500 students and 50 staff. Requested that Council give full weight to this when considering this matter.

7. Mr Brian Klopper, Architect – Item 10.1.9 – Stated that they are happy with the conditions with the exception of condition (v). Believes that an awning will result in the removal of a street tree and would vandalise an old building. Requested that Council delete condition (v).
8. Mr Artur Kateiva representing Tangelo Design Consultants – Item 10.1.17 – Stated that he met with Council officers to discuss the proposal and reached a verbal agreement concerning several aspects of the design. Advised that they confirmed these agreements in writing with revised plans on 6 December 2004 which was too late for this meeting. Requested, on behalf of the owners, that the Item be deferred to the next Ordinary Meeting of Council.

The Presiding Member advised that the request for deferral would be dealt with before the commencement of the main reports.

9. Mr Craig Riley of RAD Architecture – Item 10.1.16 – Stated that approval was given by Council twelve months ago which included setbacks, plot ratio and open space. Advised that all conditions of that approval have been met. Further advised that in May 2004 the report to Council included non-existent conditions, consequently due to the misinformation, Council refused the application. Believes that Council should support the applicant for his forward thinking contribution to the built environment especially as it is the "year of the built environment".
10. Ms Clare Ozich of 22 Monger Street, Perth – Item 10.1.17 – Advised that she intended to make comment opposing the development, however due to the earlier request for deferral, supports this request and looks forward to the opportunity to consider the new plans.
11. Ms Dorothy Aguilera of 44 Flinders Street, Mt Hawthorn – Item 10.1.19 – Strongly opposes the submission to extend its patronage. Stated that they have had suffered disruptive behaviour from the Ale House patrons for several years. Believes that the owners should prove that they can manage the current number of patrons before being given an increase. Advised that they are continually subjected to people urinating in their driveway and front wall, turning off their water supply and playing with the intercom system. Stated that they have difficulty in contacting suggested people for assistance (eg, security phone was disconnected, another number give rang out). Requested that Council reject the submission.
12. Mr Jason Puls of 219 Brisbane Street, Perth – Item 10.1.16 – Advised that he was surprised at the reasons for rejection the previous application in May 2004 particularly when the issues of streetscape, bulk and scale and amenity were dealt with and approved twelve months ago. Stated that he has worked hard to preserve and enhance the existing building. Further stated that by locating the development to the rear of the lot it minimises the impact on the existing streetscape and that the design preserves the historic character of the precinct. Believes that exciting and innovative design that protects and enhances heritage values should be embraced by the Council. Requested the Council approve the proposal.

13. Ms Maria Kalantzis of 5 Fairfield Street, Mt Hawthorn – Item 10.1.19 – Stated that she had experienced incidences such as loud noise and chatter at 2am, beer bottles on the lawn, cars parked on both sides of Fairfield Street ignoring restrictions, fights outside her bedroom window and people indecently exposing themselves on their front lawn. Addressed carparking issues mentioned in the Management Plan. Referred to the number of complaints mentioned in the report. Requested Council reject the request for increased patronage to the Ale House.
14. Mr Bruce Arnold of 12 Clotilde Street, Mt Lawley – Item 10.1.11 – Stated that a zero setback along the boundary is permitted. Believes that there is no overshadowing issues, no loss of sunlight and stated that they have gone to great lengths to ensure the wall is articulated and is not a long wall. Also believes that it is not practical to have a 1 metre setback, is not necessary and is inconsistent with the policy objectives. Stated it would promote a potential street recess for rubbish etc and would result in a total redesign being require.
15. Mr Neil Randall owner of Paddington Ale House – Item 10.1.19 – Stated that he has a passion for the hotel, the neighbourhood and the businesses in the area. Advised that he has had a number of letter boxes rebuilt and built a fence at No 24 Fairfield Street at his expense. Stated that the business complies with all Health regulations and official complaints with regards to parking have been negligible. Advised that he employs a resident of Fairfield Street to collect rubbish from the street and inside the gardens, has security patrolling the streets on Friday and Saturday nights followed by cleaners to cleanup the area. Referred to the parking agreement with the Mt Hawthorn Shopping Centre. Advised that the Mt Hawthorn Precinct Group has been happier with their efforts with regards to security and cleaning over the past twelve months.
16. Ms Deborah Lillyman of Banksia Street, Joondanna – Item 10.1.19 – Advised that she works at the Paddington Ale House and provided a character reference of Mr Randall. Stated that Mr Randall is a very passionate, approachable and generous person and is open to discussion with residents regarding their concerns.
17. Mr John Pintabona of 5 Lynmouth Road, Dianella – Item 10.1.19 – Advised that he owns 30 Fairfield Street. Stated that the problems experienced by residents is not a recent event and goes back to when it came under the City of Perth. Believes the submission contains policy and guidelines that do not hold much context on how they are going to achieve a manageable hotel. Further believes that the legislation regarding accommodation was drawn up to protect the residents, community and patrons that attend the hotel.
18. Mr George Kalantzis of 5 Fairfield Street, Mt Hawthorn – Item 10.1.19 – Does not believe the hotel has the facility to extend the patronage. Stated that he has lived in the area for 18 years and there has not been much improvement with regards to parking and anti-social behaviour. Suggested that Councillors visit the area to see what goes on there.

19. Ms Sandra Pintabona of 5 Lynmouth Street, Dianella – Item 10.1.19 – Owns 30 Fairfield Street. Advised that she would like her family to move into this property but cannot as she finds it undesirable due to the clientele of the Ale House. Further advised that while visiting her mother-in-law on a Saturday night she had to call the Police as there were five occasions within 20 minutes where men were urinating at the front of the house.
20. Resident (name indiscernible) of Flinders Street, Mt Hawthorn – Item 10.1.19 – Stated that he and other residents cannot tolerate the disharmony caused by the patrons of the hotel.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.51pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
IB04.**

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Lake for the period 11 December 2004 to 13 December 2004 inclusive for personal reasons.

Moved Cr Torre, Seconded Cr Cohen

That Council APPROVES Leave of Absence for Cr Lake for the period 11 December 2004 to 13 December 2005 inclusive for personal reasons.

CARRIED (8-0)

(Mayor Catania was absent from the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Ordinary Meeting of Council held on 23 November 2004

Moved Cr Lake, Seconded Cr Torre

That the Minutes of the Ordinary Meeting of Council held on 23 November 2004 be confirmed as a true and correct record.

CARRIED (8-0)

(Mayor Catania was absent from the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Awards for the Town of Vincent for December 2004

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

For December 2004, the award is presented to Ms Annie Smith, Executive Assistant to the Chief Executive Officer. Annie was nominated as a result of correspondence received by the Town from Dan Caddy, Chairperson of the Mount Hawthorn Precinct Group, which reads as follows;

"As well as the deserved congratulations to Annie Smith for the organisation of the mayoral dinner she deserves special congratulations for her commitment to the Town.

The Tuesday after the invitations were posted out I spoke at Council. She was aware enough to notice the address I gave was different to the one she had sent the invite to and subsequently rang me to ensure I had received the invite. This dedication goes above and beyond and should be recognised. Please pass on our sincere thanks to Annie.

Cheers, Dan Caddy and Sharyn Bana"

Annie has worked for the Town for approximately six years and her work involves working long hours, including taking Minutes at the Council Meetings.

The Employee of the Month award is in recognition of Annie's tremendous efforts in undertaking her daily duties.

Well done Annie - Keep up the good work!!

Received with acclamation.

7.2 Community Satisfaction Survey

I am pleased to announce that Item 10.4.2 relates to the Community Satisfaction Survey 2004. The Town's residents were recently asked about their satisfaction with the Town and how well the Town delivers its many and varied services. The telephone survey was conducted by an independent company who contacted 400 residents at random throughout the Town.

This year's survey showed a high level of satisfaction, with 82% of respondents satisfied with the Town's overall performance - only 6% dissatisfied and 12% giving a neutral response.

The highest satisfaction was recorded for rubbish collection, standard of the parks and reserves, overall efficiency and effectiveness, and Beatty Park Leisure Centre.

The survey identified areas for future attention from the Town, including planning and building approvals, control of car parking, street lighting and footpaths.

Both the Mayor, Nick Catania and the Chief Executive Officer, John Giorgi, are delighted with the results from the Survey, noting that the feedback identified areas where the Town is performing well and also highlighted areas for future concentration. I would like to thank the residents for their participation in the survey, and also the Councillors and Town's Administration for their efforts in providing these services.

7.3 Council Meetings - Technology

As you are aware there are now computer monitors at each of the desks in the Council Chamber. This technology is part of the upgrade for the recording, both visual and audio, of the Meetings and will also allow for the Agenda to be displayed electronically contemporaneously with the Meeting. It will also allow Powerpoint presentations to be made in the Chamber.

This new procedure is one of the Independent Organisational Review recommendations. Once the system has been "bedded down", the technology for display of Agenda Items will go live.

7.4 Super 14's - Rugby Union

As you may be aware the State Government of Western Australia has submitted an application for the next licence to enable Super 14's Rugby Union to be in Perth. The Australian Rugby Union will announce the decision on Friday 10 December 2004.

As you may also be aware, if Perth's bid is successful, the State Government has promised \$25 million to upgrade the Multi-Purpose Rectangular (Members Equity) Stadium.

Senior representatives of the Australian Rugby Union made a surprise visit to Perth last Thursday and requested to meet with the Mayor and CEO. Additional information relating to the facility, legal documentation and indicative construction details was requested.

The CEO and the Mayor were able to confidently advise ARU that the Town is a progressive Council which is able to deliver projects on time and within budget.

8. DECLARATION OF INTERESTS

- 8.1 Cr Chester declared a proximity interest in Item 10.1.7 – No(s) 223-225 (Lot(s) 75) Vincent Street, Corner Cleaver Street, West Perth – Proposed Partial Demolition of an Alterations, and Tow-Storey and Single Storey Additions to Existing Educational Establishment. The nature of his interest being that he is co-owner of a neighbouring property.
- 8.2 Cr Farrell declared an interest affecting impartiality in Item 10.3.4 – Expression of Interest – 13 Haynes Street. The nature of his interest being that his child attends Kidz Galore.
- 8.3 Cr Lake declared an interest affecting impartiality in the following Items:
- Item 10.4.4 – Leederville Oval, 246 Vincent Street, Leederville and Adjoining Land – Public Open Space Working Group. The nature of her interest being that her partner made application to be a representative on the Working Group.

- Item 1.1.7 – No(s) 223-225 (Lot(s) 75) Vincent Street, Corner Cleaver Street, West Perth – Proposed Partial Demolition of an Alterations, and Town-Storey and Single Storey Additions to Existing Educational Establishment. The nature of her interest being that the architect is a neighbour.
- 8.4 The Chief Executive Officer, John Giorgi, declared an interest affecting impartiality in the following Items:
- Item 10.4.1 - Provision of Legal Services - Tender 306/04. The extent of his interest being that he has had a professional association only with four out of the seven legal firms who submitted a tender.
 - Item 10.4.5 - Confidential Report - Premier's Australia Day Active Citizenship Awards Nomination. The extent of his interest being that he has had a professional association with two out of the four nominees for the category "Persons over 25 years" and has had a professional association with both nominees in the category relating to "Community Group or Event".
- 8.5 The Executive Manager Environmental and Development Services, Rob Boardman, declared an interest affecting impartiality in Item 10.4.1 - Provision of Legal Services - Tender 306/04. The extent of his interest being that he has had a professional association only with four out of the seven legal firms who submitted a tender.
- 8.6 The Executive Manager Corporate Services, Mike Rootsey, declared an interest affecting impartiality in the following Item 10.4.1 - Provision of Legal Services - Tender 306/04. The extent of his interest being that he has had a professional association only with four out of the seven legal firms who submitted a tender.

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

Nil.

10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.2, 10.1.18, 10.1.16, 10.1.11, 10.1.9, 10.1.17 and 10.1.19

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

Item 10.1.2

Presiding Member, Deputy Mayor – Cr Ian Ker, requested Elected Members to indicate:

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

Cr Ker	Item 10.2.1
Cr Lake	Items 10.1.10, 10.1.12 and 10.4.2
Cr Chester	Items 10.1.15 and 10.4.3
Cr Torre	Nil
Cr Doran-Wu	10.3.2
Cr Farrell	Nil
Cr Cohen	Nil
Cr Franchina	Nil
Mayor Catania	10.1.14

Cr Chester departed the Chamber at 7.04pm.

Presiding Member, Deputy Mayor – Cr Ian Ker, 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 10.1.7

Cr Chester returned to the Chamber at 7.05pm.

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

Items 10.1.1, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.8, 10.1.13, 10.2.2, 10.2.3, 10.3.1, 10.3.3, 10.3.4, 10.4.4 and 10.4.6

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

Items 10.4.1 and 10.4.5

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

(a) Unopposed items moved en bloc;

Items 10.1.1, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.8, 10.1.13, 10.2.2, 10.2.3, 10.3.1, 10.3.3, 10.3.4, 10.4.4 and 10.4.6

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

Items 10.1.2, 10.1.18, 10.1.16, 10.1.11, 10.1.9, 10.1.17 and 10.1.19

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

Moved Cr Lake, Seconded Cr Torre

That the following unopposed items be moved en bloc;

Items 10.1.1, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.8, 10.1.13, 10.2.2, 10.2.3, 10.3.1, 10.3.3, 10.3.4, 10.4.4 and 10.4.6

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

10.1.1 Further Report - No(s). 36C (Lot(s) 500) Gardiner Street, East Perth - Proposed Two-Storey Single House

Ward:	South	Date:	25 November 2004
Precinct:	Banks; P15	File Ref:	PRO1865; 00/33/2356
Attachments:	001		
Reporting Officer(s):	T Durward		
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 P Versaci on behalf of the owner A Da Silva for proposed Two-Storey Single House and Proposed Retaining Wall, at No(s). 36C (Lot(s) 500) Gardiner Street, East Perth, and as shown on amended plans stamp-dated 27 September 2004 (site plan showing overshadowing and location of adjoining buildings) and 27 October 2004 (site plan, floor plans and elevations), subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Gardiner Street, shall be a maximum height of 1.2 metres above the adjacent foot path level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements;*
- (iii) subject to first obtaining the consent of the owners of No. 34C Gardiner 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. 34C Gardiner Street in a good and clean condition;*
- (iv) the alfresco area shall be one hundred (100) per cent open on all sides and at all times, except where it abuts the main dwelling building wall(s);*
- (v) all pedestrian access and driveway/crossover levels to match into existing verge/footpath;*
- (vi) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (vii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the balcony to the lounge on the first floor level on the southern elevation; and*
 - (b) the windows to bedroom 3 on the first floor level on the southern and eastern elevations;*

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;

(viii) prior to the issue of a Building Licence, revised plans shall be submitted and approved showing that;

(a) the retaining wall adjacent to the southern boundary being a maximum height of 0.5 metre above the natural ground level; and

(b) the building external wall height being a maximum height of 6.2 metres to the top of the eaves above natural ground level;

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

(ix) prior to the issue of a Building Licence, the existing unauthorised fill shall be removed from the site and the site made good. Documentary evidence demonstrating the removal of the unauthorised fill shall be submitted to and approved by the Town prior to the issue of a Building Licence; and

(x) a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the hydrogeological composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence;

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.1

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 9 November 2004, considered the proposal and resolved that the item be deferred to obtain further information regarding the proposed fill levels and any illegal fill contained on the subject site.

The Town's Officers have had discussions and conducted site visits with the applicant in relation to the site levels. The applicant has confirmed that there is currently a significant amount of unauthorised fill on the subject property. The unauthorised fill will be removed prior to the commencement of any construction on site. This requirement is included in clause (ix) of the Further Officer Recommendation. It is noted the fill was not part of the subdivision approval process.

All retaining walls proposed will be built from the natural ground level as shown on plans stamp-dated 27 September 2004 (site plan showing overshadowing and location of adjoining buildings) and 27 October 2004 (site plan, floor plans and elevations) and submitted for approval; and not from the existing unauthorised fill levels.

The Officer Recommendation remains unchanged except for the amended property details in the preamble and clause (iii), and the addition of clause (ix) and (x).

The following is a verbatim copy of the minutes of the item placed before the Council at its Ordinary Meeting held on 9 November 2004:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Versaci on behalf of the owner A Da Silva for proposed Two-Storey Single House and Proposed Retaining Wall, at No(s). 36C (Lot(s) 500) Gardiner Street, East Perth, and as shown on amended plans stamp-dated 27 September 2004 (site plan showing overshadowing and location of adjoining buildings) and 27 October 2004 (site plan, floor plans and elevations), subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Gardiner Street, shall be a maximum height of 1.2 metres above the adjacent foot path level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements;*
- (iii) subject to first obtaining the consent of the owners of No. 34C Gardiner 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. 34C Gardiner Street in a good and clean condition;*
- (iv) the alfresco area shall be one hundred (100) per cent open on all sides and at all times, except where it abuts the main dwelling building wall(s);*
- (v) all pedestrian access and driveway/crossover levels to match into existing verge/footpath;*
- (vi) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (vii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the balcony to the lounge on the first floor level on the southern elevation;*
and
 - (b) the windows to bedroom 3 on the first floor level on the southern and eastern elevations;*

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; and

(viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved showing that;*

(a) *the retaining wall adjacent to the southern boundary being a maximum height of 0.5 metre above the natural ground level; and*

(b) *the building external wall height being a maximum height of 6.2 metres to the top of the eaves above natural ground level.*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted subject to the lot number in the preamble being changed from "50" to "500" and "No 34C" being amended to "No 34A" in clause (iii).

Debate ensued.

Moved Cr Cohen, Seconded Cr Lake

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

CARRIED (7-0)

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

<i>Landowner:</i>	<i>AC Da Silva</i>
<i>Applicant:</i>	<i>P Versaci</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R20</i>
<i>Existing Land Use:</i>	<i>Vacant</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>450 square metres</i>

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>
<i>Setbacks: Southern - Ground Floor - Meals/Dining & Kitchen Passage to Ensuite</i>	<i>1.1 metres 1.1 metres</i>	<i>1 metre 1 metre</i>

<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>
<i>First Floor - Bedroom 3</i>	<i>2.2 metres</i>	<i>1.5 metres</i>
<i>Western - First Floor - Bedroom 2 Foyer</i>	<i>2.2 metres 2.2 metres</i>	<i>1.5 metres 1.6 metres</i>
<i>Driveway Width</i>	<i>Not to occupy more than 40 per cent of the frontage of a property</i>	<i>77 per cent</i>
<i>Building Wall Height</i>	<i>6 metres</i>	<i>6.2 metres</i>
<i>Privacy (Cone of Vision):</i>		
<i>First Floor - Bedroom 3</i>	<i>4.5 metres</i>	<i>2.2-2.3 metres to southern boundary</i>
<i>Balcony</i>	<i>7.5 metres</i>	<i>2.6 metres to southern boundary and 5 metres to northern boundary</i>
<i>Lounge</i>	<i>6 metres</i>	<i>1.8-2.7 metres to northern boundary</i>
<i>Bedroom 2</i>	<i>4.5 metres</i>	<i>2.4 metres to northern boundary</i>

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

BACKGROUND:

1 March 2000 The Western Australian Planning Commission (WAPC) endorsed a diagram of survey for the creation of two (2) fee simple lots (including the subject site and a rear battleaxe site) at No. 36 Gardiner Street.

6 November 2001 The Council at its Ordinary Meeting conditionally approved the application for limestone retaining walls (to a maximum height of 1.47 metres) and fence.

14 May 2002 The Council at its Ordinary Meeting adopted the recommendation to advise the owners(s) of No. 36C Gardiner Street that the unauthorised fill shall be removed within 14 days of the notification by the Town.

SITE HISTORY:

The subject lot is currently vacant. It is noted the retaining walls approved by Council at its Ordinary Meeting held on 6 November 2001 were not built within the two year approval timeframe. A planning application for a proposed two-storey single house on the rear lot (No. 36D Gardiner Street) was received by the Town on 27 July 2004; this application is yet to be determined.

DETAILS:

The applicant seeks approval for a two-storey single house. The proposal is considered to comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No.1 and associated Policies with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

One objection and one letter of support were received during the advertising period. The objector has raised concerns about the reduction of light to their solar panel, the protection of privacy from bedroom 3 and overshadowing to their living room. The letter of support advises Council that the variations to the western setback requirements are not unreasonable providing no further variations are considered.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes (R Codes).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

The applicant seeks variations to the western and southern setbacks on the subject site. The variations to the western setbacks are considered minor, have the support of the adjoining neighbour and are primarily setback from a 2.07 metres wide right of carriageway to the rear lot at No. 36D Gardiner Street. The variations to the south are considered minor and therefore are supportable. It is noted the setbacks, as submitted on amended plans stamped 27 October 2004, are reduced through the application of a screening condition and reduction in retaining wall height adjacent to the southern boundary.

Overall, and considering conditions in the Officer Recommendation, the setbacks are not considered to unduly compromise the privacy of adjoining neighbours or affect the amenity of the area. In light of the above, the setback variations proposed are considered supportable.

Driveway Width

The applicant is seeking variations to the driveway width requirement at the Gardner Street frontage. The proposed variation is due to the unusual shape of the subject lot and the limited frontage (5.18 metres wide) for vehicular access to the property. Accordingly, the variation is considered supportable.

Privacy and Overlooking

The applicant initially sought variations to the privacy requirements of the R Codes to bedroom 3 and the balcony on the first floor and guest room and meals/dining on the ground floor on the southern elevation, and the balcony, bedroom 2 and lounge on the first floor on the western elevation.

The windows or openings pertaining to the balcony on the southern elevation and bedroom 3 on the southern and eastern elevations, on the first floor level, require privacy screening or obscure glazing in order to comply. In light of the objector's comments, appropriate screening conditions, for compliance with the R Codes, are included in the Officer Recommendation.

In light of the letter of support received during the advertising period and the privacy variations occurring over a battleaxe access leg, the windows and balcony on the western elevation do not require screening or obscure glazing.

The reduction in the retaining wall height to 0.5 metre above natural ground level removes the ground floor of the proposed development from any privacy or overlooking variations.

In considering the above, the variations to the privacy and overlooking requirements of the R Codes are considered supportable.

Building Height

The applicant seeks a variation to the overall height of the building wall on the southern elevation. In light of the contours of the land, being a downward slope to the rear of the lot, the minor variation is considered supportable in this instance.

Response to Objector's Comments

In considering the comments of objectors and the requirements of the R Codes, conditions are included in the Officer Recommendation to address the issues raised above. In addition to this, the applicant has submitted the following as a response to a summary of the objections:

"In relation to the parapet wall height we are aware it slightly exceeds (average 200mm) the maximum height required by the R Code. We would like to bring to your attention that our block slopes towards the rear and also we have got an easement that does not allow us to go any further in to the block, otherwise we would have been happier to move the whole building back and enjoy a passage rather than parapet wall .

The height of the parapet wall is also due to the fact that we have a ceiling height of 32c (2743mm) for architectural reasons, because of the arch windows that we would really like to have.

Secondly, we have got a combined kitchen , family & dinning room where the engineer has told us that we require a suspended slab of three courses which means 1 course drop ceiling into our rooms, and for this reason the ceiling in that room would look very low if a lower ceiling height would have been used.

As discussed we have provided an amended plan with a drop of 300mm of floor levels which allows us not to exceed 500mm in height for retaining wall and 6.2m in overall height of the building ."

Summary

In view of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters."

10.1.3 No(s). 354 (Lot(s) 73) William Street, Perth - Roller Grilles Addition to Existing Eating House - (Application For Retrospective Approval)

Ward:	South	Date:	30 November 2004
Precinct:	Beaufort; P13	File Ref:	PRO0806; 00/33/2539
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 Welcome Inn Tea House on behalf of the owner S Hung & M Y A Siu for proposed Roller Grilles Addition to Existing Eating House (Application For Retrospective Approval), at No(s). 354 (Lot(s) 73) William Street, Perth, and as shown on plans stamp-dated 20 October 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (b) the roller grilles shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

Landowner:	S Hung & M Y A Sui
Applicant:	Welcome Inn Tea House
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Eating House
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	493 square metres
Access to Right of Way	N/A

BACKGROUND:

22 September 2004 A letter was issued to the owners by the Town's Officers stating there are unauthorised roller shutters at No. 354 William Street and that the owners have 14 days to comply with the Town's requirements.

DETAILS:

The proposal involves an application for retrospective Planning Approval for visually permeable grilles addition to the existing eating 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
Consultation Submissions			
No advertising was required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposed grilles are at least fifty per cent visually permeable, therefore are compliant with the Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings. In light of the above, it is recommended that the proposed roller grilles be approved subject to standard conditions.

10.1.4 No(s). 344 (Lot(s) 100) William Street, Perth - Proposed Roller Shutters Addition to Existing Eating House

Ward:	South	Date:	30 November 2004
Precinct:	Beaufort; P13	File Ref:	PRO0867; 00/33/2566
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 CJ Shou on behalf of the owner New Horizin Investments Pty Ltd for proposed Roller Shutters Addition to Existing Eating House, at No(s). 344 (Lot(s) 100) William Street, Perth, and as shown on plans stamp-dated 22 October 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) the roller shutters shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

Landowner:	New Horizin Investments Pty Ltd
Applicant:	CJ Shou
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Eating House
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	248 square metres
Access to Right of Way	N/A

BACKGROUND:

20 October 2003 The Town issued a Planning Written Direction and Building Notice requiring the removal of an unauthorised roller door at No.344 William Street.

22 September 2004 The Town requested that the unauthorised roller door comply with the Town's Policy within fourteen days.

19 October 2004 The permanent removal of the unauthorised roller door was witnessed by an Officer of the Town.

DETAILS:

The proposal involves roller shutters additions to the existing eating house, which is at least fifty per cent visually permeable.

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			
Advertising was not required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposed roller shutters are at least fifty per cent visually permeable, therefore is compliant with the Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings. In light of the above, it is recommended that the proposed roller shutters be approved, subject to standard conditions.

10.1.5 No(s). 164 (Lot(s) 81& Y82) Lincoln Street (Corner Cavendish Street), Highgate - Proposed Demolition of Existing Single House

Ward:	South	Date:	1 December 2004
Precinct:	Hyde Park. P12	File Ref:	PRO0814; 00/33/2587
Attachments:	001		
Reporting Officer(s):	H Wyatt		
Checked/Endorsed by:	D Abel	Amended by:	R Boardman, John Giorgi

CEO and EMEDS RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners TTT Ha & VN Nguyen for proposed Demolition of Existing Single House at No(s). 164 (Lot(s) Y81 & Y82) Lincoln Street (corner Cavendish Street), Highgate, and as shown on plans stamp-dated 30 November 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) an archival documented record of the place including photographs (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;*
- (iv) a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (v) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (vi) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*
- (vii) prior to the issue of a Demolition Licence, plans shall be submitted and approved demonstrating the provision of a plaque or interpretive piece of artwork visible to the public domain that recognises the social and historic value associated with the site. The approved plaque or interpretive piece of artwork shall be installed prior to the first occupation of any future redevelopment of the property and maintained thereafter by the owner(s)/occupier(s); and*
- (viii) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies,*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

CEO AND EMEDS REPORT:

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

1. It is noted that the property's heritage significance lies solely in its historical associations with the Masel family and not for any aesthetic, social or research value. Therefore, the Officer Recommendation is in line with the Town's current Policies. The property has been found to have only *some* historic value, and it is considered by the CEO and EMEDS that this can be recognised in appropriate interpretation on the site, once it is redeveloped. The historic value in this case is not considered sufficient to prevent demolition of the place.
2. Council at its Ordinary Meeting held on 23 November 2004 conditionally approved the demolition of a property (Scout Hall at Nos.76-76A East Street, Mount Hawthorn) listed on the Town's Municipal Heritage Inventory because the heritage significance was not in terms of the physical fabric of the building, the physical fabric of the building itself is deteriorating and contains asbestos, and adaptive re-use is not feasible. Similar reasons for approval also apply to the subject place.
3. The recommendation for approval of this application is also considered appropriate in light of recent decisions by the Town Planning Appeal Tribunal to approve the demolition of places listed on Local Governments' Municipal Heritage Inventories. The relevant Councils, in three cases, refused the development applications for demolition because the buildings were considered to be places of heritage significance. The Tribunal permitted demolition of the relevant homes in all three appeals. Applying its findings in *Moullin v Town of Cottesloe*, the Tribunal held that a municipal inventory is no more than a tool for the Heritage Council to assess places for inclusion on the State Register. Accordingly, in exercising planning approval powers little or no weight should be attached to the listing of a building on a municipal inventory. The Tribunal also noted that the local governments in question had other options by which they could protect buildings of heritage value. These Tribunal decisions conclude that heritage should only be one factor to be considered in evaluating demolition planning applications. It is also interesting to note that in one appeal the Tribunal held that possible hardship in the form of the cost of bringing a property up to a reasonable state of repair, or renovating it to an appropriate level of amenity, is not a relevant planning consideration.
4. Approval of the demolition application with the condition for site interpretation is in line with *Item 11.1 Notice of Motion – Councillor Ian Ker - Relating to Heritage*, on this Agenda.

This matter received considerable reporting in the media last week. The media attention attracted considerable views both in support of heritage and conversely the right of the landowners to demolish. In this case, the heritage is due to some "historic" value, which of course is very subjective.

OFFICER RECOMMENDATION:

That;

~~*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner TTT Ha & VN Nguyen for proposed Demolition of Existing Single House at No(s). 164 (Lot(s) Y81 & 82) Lincoln Street (corner Cavendish Street), Highgate, and as shown on plans stamp-dated 30 November 2004, for the following reasons:*~~

~~*(i) — the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing dwelling; and*~~

~~*(ii) — the existing dwelling is considered to have some cultural heritage significance in terms of its historic value.*~~

Landowner:	TTT Ha & VN Nguyen
Applicant:	TTT Ha & VN Nguyen
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	408 square metres

SITE HISTORY:

- The subject of the application is a single storey house.
- Previous applications for demolition and redevelopment have been refused by Council at its Ordinary Meetings held on 7 October 2003 and 9 November 2004.
- The historic associations of the house have been questioned after the recent refusal of the planning application, but no documentary evidence has been provided to support the alleged anomalies.

DETAILS:

- The applicant seeks approval for the demolition of an existing single storey single house.
- Redevelopment plans have not been submitted with this current application.

CONSULTATION/ADVERTISING:

The proposal was previously advertised and no written submissions were received by the Town at that time.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

- A Heritage Assessment of the existing dwelling is included as an attachment to this report.
- The place is a brick and tile dwelling dating from circa 1905, forming part of the original Highgate Hill area. The dwelling is located on the north east corner of Lincoln and Cavendish Streets. It has undergone a number of unsympathetic alterations to the exterior, namely a render treatment and alterations to the fenestration. The place was the Masel family home for approximately twenty years. Esor Masel had a mens and boys clothing business in Perth on the corner of Murray and William Streets called J. Masel & Sons and were later known as Worth's. Masel's children went on to contribute in a number of ways to cultural, military and religious endeavors in Western Australia.
- As such, the place is considered to have *some* historic value for its associations with the Masel family and in the evolution of the Town of Vincent, namely Highgate Hill. In accordance with Policy 3.6.2 the place meets the threshold for consideration for inclusion on the Town's Municipal Heritage Inventory.
- It is therefore recommended that the proposed demolition of the existing dwelling be refused.
- The applicants were notified by the Town's Officers at a meeting on 30 November, 2004 that the Officer's heritage assessment of the property and subsequent recommendation for refusal of demolition, would remain the same.

10.1.6 No(s). 134 (Lot(s) 62) Richmond Street, Leederville - Proposed Partial Demolition and Alterations and Two-Storey Additions to Existing Single House

Ward:	South	Date:	25 November 2004
Precinct:	Leederville; P3	File Ref:	PRO2922; 00/33/2424
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 Tangent Nominees P/L on behalf of the owner DR Rowse for proposed Partial Demolition and Alterations and Two-Storey Additions to Existing Single House, at No(s). 134 (Lot(s) 62) Richmond Street, Leederville, and as shown on plans stamp-dated 27 August 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Richmond Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

Landowner:	DR Rowse
Applicant:	Tangent Nominees P/L
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:	448 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition and alterations and two-storey additions to existing single house. The additions include minor alterations to the existing ground floor and second storey extensions to match the existing character home including 3 additional bedrooms and an activity room. 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
Building Height (top of eaves, roof above)	6.0 metres	6.5-6.8 metres	Supported - 550 mm cavity and 2400 mm FFL to ceiling height required and existing ceiling height is 3145 mm.
Privacy: Cone of Vision			
Bedroom 3, Eastern Elevation	4.5 metres	3.3 metres	Supported – affected neighbours support received.
Bedroom 4, Eastern Elevation	4.5 metres	3.5 metres	Supported – affected neighbours support received.
Consultation Submissions			
Support (2)	Neighbours signatures support plans as submitted		Supported
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In this instance, the variations are considered supportable and in light of no objections being received by the Town, the proposal is recommended for approval subject to standard and appropriate conditions.

10.1.8 No(s). 76 (Lot(s) 455) Auckland Street, North Perth - Proposed Demolition of Existing Single House and Outbuildings and Construction of Two (2) Two-Storey Grouped Dwellings

Ward:	North	Date:	29 November 2004
Precinct:	North Perth; P8	File Ref:	PRO1803; 00/33/2526
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 3D Edge on behalf of the owner TT & VT Pham and THP Phan for proposed Demolition of Existing Single House and Outbuildings and Construction of Two (2) Two-Storey Grouped Dwellings, at No(s). 76 (Lot(s) 455) Auckland Street, North Perth, and as shown on amended plans stamp-dated 22 November 2004 (floor plans and elevations) and 25 November 2004 (site plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Auckland Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) 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; and*
- (v) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Auckland Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

Landowner:	TT & VT Pham and THP Phan
Applicant:	3D Edge
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1161 square metres
Access to Right of Way	N/A

BACKGROUND:

28 August 2001- The Council at its Ordinary Meeting resolved to refuse an application for alterations and additions to existing dwelling and construction of additional three (3), three - storey grouped dwellings.

DETAILS:

The proposal involves proposed demolition of existing single house and outbuildings and construction of two (2) two-storey grouped dwellings. The subject property is in the Eton Locality and accordingly is being referred to Council for determination.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R20 - 2 dwellings	R20 - 2 dwellings	Supported- no variation
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	The proposal was not required to be advertised as it is fully compliant with the development requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies, while the existing dwelling is not listed on the Town's Municipal Heritage Inventory. Notwithstanding this, the applicant has consented to allowing the plans to be viewed by the public. Any comments received by the Town will be included in a Further Report to Council on 7 December 2004.		
Objection			
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.

Demolition

- The subject building is dated circa 1935. The place is constructed of rendered brick on a limestone foundation, with a tiled roof and has a front verandah. Windows are simple casement style, and along with some of the doors have glass geometric detailing typical of the period. Timber boards run the length of the dwelling, east-west. The main living areas have ornate plaster ceilings.
- Although the place exhibits characteristics typical of the period, the place is considered to have little heritage value and does not warrant a full heritage assessment. It does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory. The building does contribute to the streetscape and character of the area. This assessment is based on a site visit made on 15 November 2004.
- In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling and outbuildings, subject to standard conditions.

COMMENTS:

The proposal is considered to fully comply with the acceptable development standards of the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and associated Policies, and is therefore recommended for approval subject to standard conditions.

10.1.13 No(s). 501 Fitzgerald Street and 2A Sholl Lane (Lot 155 - proposed Lots 156 and 157), North Perth - Proposed Two (2) Two-Storey Single Houses

Ward:	North	Date:	29 November 2004
Precinct:	Smiths Lake; P6	File Ref:	PRO1432; 00/33/2484
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 REFUSES the application submitted by the owner C Cafarelli for proposed Two (2) Two-Storey Single Houses, No(s). 501 Fitzgerald Street and 2A Sholl Lane (Lot 155 - proposed Lots 156 and 157), North Perth, and as shown on plans stamp-dated 20 September 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the plot ratio, open space, setbacks, buildings on boundaries, building height, vehicle manoeuvring depth and privacy requirements of the Residential Design Codes;*
- (iii) the non-compliance with the street setback and street walls requirements of the Town's Policies relating to Knutsford Locality, Street Setbacks, and Street Walls and Fences, respectively; and*
- (iv) consideration of the objection received.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

Landowner:	C Cafarelli
Applicant:	C Cafarelli
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	430 square metres
Access to Right of Way	N/A

BACKGROUND:

The subject site has an extensive history relating to the (partial) demolition of the building that was previously on-site. The Council at its Ordinary Meeting held on 16 December 2004 resolved to conditionally approve the demolition of existing single house and construction of a two-storey single house. The subdivision to create the subject lots was granted conditional approval by the Western Australian Planning Commission on 20 April 2004.

23 October 2004: The Town's Officers advised the owner that the subject proposal cannot be supported due to the non-compliance with the Town's Policies and the Residential Design Codes. The owners requested the proposal to be referred to Council for determination.

DETAILS:

The proposal involves the construction of two (2) two-storey single houses. 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	R 60 1 dwelling on each lot	R 46.51 1 dwelling on each lot	Supported - no variation sought.
Plot Ratio	0.65- 140 square metres	Lot 156-1.07 – 230 square metres Lot 157 – 0.86-185 square metres	Not Supported- over-development of site.
Open Space	45%	Lot 156- 38% Lot 157- 38%	Not Supported- over-development of site.
Setbacks: <u>Lot 156</u> Ground floor - Front (south)	2.5 metres to main building 1.5 metres to portico	1.6-2.5 metres to main building 0.5 metre to portico	Supported- established streetscape of reduced setbacks.
- East	1.2 metres	Nil	Supported- internal boundary, no undue impact on neighbours.
- Garage (south)	Garages setback at 6.0 metres from the frontage street, or behind the line of the front main building.	Garage setback 0.5 metre, in front of main building line.	Not Supported- in sufficient setback for visual truncation and vehicle manoeuvring.
1st Floor - Front (south)	6.0 metres	1.7-2.6 metres	Supported- established streetscape of reduced setbacks and staggering of setbacks.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
- West	1.5 metres	Nil	Supported- wall abuts existing parapet wall. Supported- internal boundary, no undue impact on neighbours. Supported- minor variation.
- East	1.2 metres	Nil	
- Rear (north)	4.1 metres	4.0-5.0 metres	
<u>Lot 157</u> Ground floor			
- Front (South)	2.5 metres	0.5-5.4 metres	Supported- established streetscape of reduced setbacks and staggering of setbacks.
- West	1.5 metres	Nil	Supported- wall abuts proposed parapet wall at Lot 156.
- Rear (North)	1.5 metres	0-2.76 metres	Supported- staggering of setbacks.
- Carport (East)	1.0 metre	0-1.0 metre	Not Supported- does not meet engineering requirements.
1st Floor			
- Front (South)	6.0 metres	0.5-2.15metres	Not Supported- undue impact on streetscape.
- West	1.9 metres	Nil	Supported- wall abuts proposed parapet wall at Lot 156.
- Rear (North)	3.8 metres	2.76 metres	Not Supported- considered excessive.
Manoeuvring depth	6.0 metres	<u>Lot 156</u> 5.5metres	Not Supported- insufficient maneuvering.
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	<u>Lot 156</u> Two boundary walls proposed: Western boundary wall has an average height of 7.2 metres and a maximum height of 8.2 metres, for 69.6 % of boundary. Eastern boundary wall has an average height of 7.2 metres and a maximum height of 8.2 metres, for 55.9 % of boundary.	Supported- wall abuts existing parapet wall and no undue impact on streetscape. Supported- wall abuts proposed parapet wall at Lot 157 and no undue impact on streetscape.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
		<p><u>Lot 157</u> Two boundary walls proposed:</p> <p>Western boundary wall has an average height of 7.46 metres and a maximum height of 9.1 metres, for 96.3 % of boundary.</p> <p>Northern boundary wall has an average height of 4.2 metres and a maximum height of 5.0 metres, for 29.3 % of boundary.</p>	<p>Supported- wall abuts proposed parapet wall at Lot 156 and no undue impact on streetscape.</p> <p>Not Supported- undue impact on neighbour.</p>
Street Walls and Fences	Front walls and fences within the primary street setback area to be visually permeable 1.2 metre above natural ground level.	<p><u>Lot 156</u> 1.8 metre high solid screen wall</p>	Not Supported- obstructs interaction and surveillance of street.
Building Height	6.0 metres wall height and 9.0 metres overall roof pitch height	<p><u>Lot 156</u> 6.5 metres wall height and overall height of 8.3 metres.</p> <p><u>Lot 157</u> 6.2 metres wall height and average overall height of 7.85 metres.</p>	Not Supported- considered excessive, undue impact on streetscape.
Privacy	<p>Bedrooms- major openings 4.5 metres from the boundary or suitably screened.</p> <p>Unenclosed outdoor active habitable spaces 7.5 metres from the boundary or suitably screened.</p>	<p><u>Lot 156</u> Bedroom 4 is 1.8 metres to the west boundary and 4.0 metres to north boundary.</p> <p>Balconies are 6.7 metres to south boundary (includes width of Sholl Lane).</p>	Not Supported- undue impact on neighbours.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
		<p><u>Lot 157</u> Bedroom 3 is 2.76 metres to the north boundary and 1.4 metres to west boundary.</p> <p>Balcony is 7.15 metres to southern boundary (includes width of Sholl Lane).</p>	
Consultation Submissions			
Support	N/A		N/A
Objection (1)	<p>Non-compliance with:</p> <ul style="list-style-type: none"> • Plot ratio • Open space • Parapet wall • Carport setback • Privacy • Building height 		<p>Supported</p> <p>Supported</p> <p>Supported</p> <p>Supported</p> <p>Supported</p> <p>Supported</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

The variations sought are considered to be excessive and to cause an undue impact on the surrounding area. In light of the objection and the opportunity for redesign as the subject site is vacant, the proposal is recommended for refusal.

10.2.2 Introduction of New 5 Minute Pick Up and Set Down Bay In Newcastle Street, Leederville

Ward:	South Ward	Date:	29 November 2004
Precinct:	Oxford Centre P4	File Ref:	PKG0012
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	C Wilson	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the introduction of a new five (5) minute “pick up or set down only” bay adjacent to 661 Newcastle Street, Leederville, as shown on attached plan 2312-PP-1; and*
- (ii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the amended parking restriction signs.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

BACKGROUND:

The increase in commercial activity in Newcastle Street, between Carr Place and Loftus Street, has generated the need for a five (5) minute pick up or set down bay to aid businesses in the vicinity in making use of courier services and the like.

DETAILS:

There have been several inquiries requesting the introduction of a short term parking amenity in Newcastle Street, in the vicinity of No. 661 Leader Business Park. Business proprietors are finding it difficult to accommodate couriers and delivery vans in close proximity to their premises.

The recent completion of other developments in the area, including several new office premises, lends support to the provision of a five (5) minute pick up or set down bay to be located immediately west of the entrance to the Leader Business Park car park. It is proposed that one (1) space, of approximately ten (10) metres in length be introduced to meet this need, as illustrated in attached plan 2312-PP-1.

CONSULTATION/ADVERTISING:

The introduction of the additional parking has been prompted by requests from both established and new businesses for more short term parking to be made available, and is welcomed by them. No further consultation is necessary.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment “*p) Develop a strategy for parking management in business, residential and mixed use precincts*”.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of restriction signs and road line marking would be approximately \$150.00.

COMMENTS:

The Town endeavours to provide as much parking as possible to assist businesses and residents alike. The short term parking bay will improve the parking amenity in this location. The Manager for Law and Order services supports the creation of the five (5) minute parking space.

10.2.3 RoadWise White Ribbons for Road Safety 2004 Campaign

Ward:	Both	Date:	1 December 2004
Precinct:	All	File Ref:	TES0173
Attachments:	-		
Reporting Officer(s):	J Greenwood		
Checked/Endorsed by:	C Wilson	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the RoadWise White Ribbons for Road Safety 2004 campaign;*
- (ii) *APPROVES the Town's vehicles being fitted with a white ribbon for the duration of the campaign; and*
- (iii) *ADVISES Roadwise of its resolution.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

BACKGROUND:

As in previous years, RoadWise, under the auspices of the Western Australian Local Government Association (WALGA), has invited the Town to participate in the 2004 White Ribbons for Road Safety campaign. The aim of the campaign is to raise public awareness of road safety over the 2004/2005 Christmas and New Year period and is a joint WALGA and Road Safety Council initiative. The campaign began in 1986, gaining momentum annually so that in the past six (6) years the number of ribbons distributed has increased from 20,000 to over 75,000.

DETAILS:

The major objective of the annual White Ribbons campaign is to place road safety on the public agenda. The concept was developed to raise awareness of the need for all Western Australians to be responsible for their safety on the roads.

Each year during the Christmas period, the WA Local Government Association's Community Road Safety Program, 'RoadWise', distributes white ribbons throughout the community to raise awareness of road safety.

The WA Local Government Association President said that while white crosses on the side of the road represented lives that had been lost, the white ribbon symbolises the positive efforts being made by many agencies working with the community to reduce and prevent road trauma. He stated that by encouraging all road users to "look out for each other", the white ribbon is a reminder to slow down, don't drink and drive, always wear a seatbelt and avoid driving when tired.

This will be the ninth White Ribbons campaign and was officially launched on Wednesday 1 December 2004 and will run throughout the festive season. As with previous campaigns, the theme of the 2004 promotion is to again acknowledge and thank those agencies, such as Local Government, the WA Police Service, Fire and Rescue Service, St John's Ambulance, Main Roads WA, Department of Planning and Infrastructure, Royal Flying Doctor and State Emergency Services, who work together to save lives on our roads.

CONSULTATION/ADVERTISING:

RoadWise launched this year's White Ribbons campaign on Wednesday 1 December 2004 and, in conjunction with the Road Safety Council, will be promoting it with television and newspaper coverage. Main Roads WA will be supporting the campaign by displaying the message on the Freeway overhead visual displays boards.

LEGAL POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Strategic Plan 2003-2008 - 2.5 Develop and implement community programs for law, order and safety. *"e) Develop partnerships with Government Agencies, businesses and the community."*

FINANCIAL/BUDGET IMPLICATIONS:

There are no costs to the Town for participation with the program.

COMMENTS:

As a symbol of Council's commitment to road safety over the coming festive season, a white ribbon will be provided for Elected Members, the Town's Officers and the public to either wear or attach to their preferred mode of transport. The campaign will run from Wednesday 1 December 2004 and continue throughout the festive season.

10.3.1 Financial Statements as at 31 October 2004

Ward:	Both	Date:	24 November 2004
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.3.1

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

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 2004.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 73 % of the annual Budget estimate

General Purpose Funding (Page 1)

General Purpose Funding is showing 92 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 98 % of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 129% of the budget received to date; this is due to advertising rebates, vehicle contributions received and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a favourable variance of 95 % due to recoup in advance of employee cost that is on secondment and grants received.

Health (Page 4)

Health is showing 85%, this is due to 227 Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is 54 % of the budget, this is as a result of 267 planning applications have been processed to month of October.

Recreation & Culture (Page 9)

Recreation and Culture is 28% of budget. Beatty Park is also 29 % of budget for the month of October

Economic Services (Page 12)

Economic Services is 49% of budget which is the 198 building licences issued to the month of October.

Operating Expenditure

Operating expenditure for the month of October is slightly under budget.

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2004/05 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for October an amount of \$2,856,772 which is only 26 % of the budget.

	Budget	Actual to Date	%
Furniture & Equipment	131,310	24,743	19%
Plant & Equipment	1,249,972	143,257	11%
Land & Building	2,746,610	1,729,021	63%
Infrastructure	6,997,900	959,751	14%
Total	11,125,792	2,856,772	26%

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

The statement shows the current assets of \$19,553,087 less current liabilities of \$4,735,431 for a current position of \$14,817,655. The total non current assets amount to \$114,420,672 less non current liabilities of \$6,704,386 for the total net assets of \$122,533,941.

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 \$1,593,114 are outstanding at the end of October. Of the total debt \$1,100,282 (69%) relates to debts outstanding for over 60 days. The majority of the debt is \$489,350 for WA Treasury Corporation which is the remainder of the loan that is to be received by the Town and an amount owing by the Department of Sport & Recreation of \$475,661. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 30)

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

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

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

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

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

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

Rates outstanding are \$4,279,096 which represents 31 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 31 October 2004 the operating deficit for the Centre was \$326,850 in comparison to the budgeted annual deficit of \$612,852.

The cash position showed a current cash deficit of \$181,489 in comparison to the annual budget estimate of a cash deficit of \$157,887. The cash position is calculated by adding back depreciation to the operating position.

The comparison with the year to date budget indicates that the Centre is operating in time with the budget expectations.

A comparison for the same period last year indicates an improvement has been achieved in this financial year to date.

The retail shop is in a deficit position as a result of the delivery of most of the annual stock, which is purchased under the "indent" system (ordering bulk stock in advance), this is a common practise in the retail industry. It is therefore expected that as the stock is sold through the forthcoming periods the financial position will improve.

10.3.3 Funding Contribution to Highgate Primary School

Ward:	South Ward	Date:	23 November 2004
Precinct:	Hyde Park Precinct P12	File Ref:	CMS0008
Attachments:	-		
Reporting Officer(s):	R Clowes		
Checked/Endorsed by:	J Anthony/M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES the contribution of \$500 to Highgate Primary School to assist with their Robertson Park Wetland Management Project.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

DETAILS:

Highgate Primary School has applied to the Town to assist with their Robertson Park Wetland Management Project. This project involves students being custodians of the wetlands and will achieve the following:

- Learn about their local park
- Continue to build an environmental empathy and awareness
- Take on a role in the management of the wetland

The project plans to be ongoing from September 2004. Students will monitor water quality, record wildlife species and survey the community's impact on the flora and fauna in the area. They will take on the role of custodian of the wetlands.

The funding will go towards associated costs for equipment and sundry items needed to monitor the area these include scanners, magnifying glass, stationery and photography costs.

STRATEGIC IMPLICATIONS:

The submitted application addresses the following area of the Town's Strategic Plan 2003-08, Key Result Area One - Environment and Infrastructure:

"1.1 Protect and enhance the environment and biodiversity.

Develop and implement best practice programs to achieve:

(e) Improved natural habitat and increased biodiversity in parks, reserves, wetlands and river foreshore areas.

2.7 Develop and implement initiatives to increase the effectiveness of community groups.

(c) Develop and implement a Local Government education program for schools and Community."

FINANCIAL/BUDGET IMPLICATIONS:

The contribution will be paid from the Donations Account.

COMMENTS:

This application does not meet the criteria for the Town's existing grants. However given the merits of the project and the positive environmental outcome for the wetland feature within Robertson Park it is recommended that the Town supports this project.

10.3.4 Expression of Interest - 13 Haynes Street

Ward:	North Ward	Date:	23 November 2004
Precinct:	North Perth Precinct-P9	File Ref:	CMS0024
Attachments:	-		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

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

COUNCIL DECISION ITEM 10.3.4

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

BACKGROUND:

Since 1 October 2004 Kidz Galore have leased the premises at 13 Haynes Street on a monthly tenancy. They had previously sub-leased the premises for the period 1 April 2002 until 30 September 2004 from the Education Department who agreed to an early lease termination date of 30 September 2004.

DETAILS:

The Town advertised a notice inviting expressions of interest to lease the premises in the West Australian on 3 November 2004.

Expressions of interest closed on 17 November 2004. The Town received three (3) expressions of interest. These were from Kidz Galore Pty Ltd., Paola Vallesi and the Autism Association of Western Australia (Inc.).

Kidz Galore currently provides an early childhood education and care service from the premises at 13 Haynes Street. Programs available include:

- 3 - 5 year old pre-school program.
- 3 - 6 year old before and after school program.
- Vacation care program for kindergarten and pre-primary children (3 - 6 years).
- Remedial program for children with special needs (including autism, language difficulty and speech impediment).

Kidz Galore operates 12 hours a day, 5 days a week, 52 weeks a year and caters for over 200 parents, half of them living within the Town of Vincent.

Paola Vallesi intends to use the premises as a child care and early learning facility for children aged 3 - 5 years. In her application Paola Vallesi states that she has not operated a business of this nature, however her application shows extensive experience in education and administration. Paola Vallesi states that she is the owner of several properties and has never needed to occupy a property as a tenant. However, in her application Paola Vallesi emphasised that as a current school principal she has a complete understanding of the responsibilities necessary for the care and maintenance of a community facility.

The Autism Association of Western Australia (Inc.) was founded in 1967 and provides a wide range of specialist intervention and support services to people with Autism and their families.

The Autism Association proposes to use the premises at 13 Haynes Street to provide early intervention services to newly diagnosed children with Autism from the time of their diagnosis, approximately 2.5 years old, until the time they commence school. Each child attends the centre for approximately 2 sessions of 2 hour duration per week. Sessions include speech pathology, occupational therapy and small group skill-building. The aim of intervention is to provide children with skills to assist their development and integration into everyday life, including other community venues such as kindergarten, preschool and school.

Assessment of the submitted expressions of interest has determined that the applicants adequately meet the following selection criteria set out by the Town of Vincent:

- Service benefit to ratepayers and wider community.
- Implications for Council.
- Alignment to Council's overall strategy for the community.
- Concept for buildings/facilities.
- Public accessibility of the building/service.
- Impact on the amenity of the locality.
- Financial position of the respondent.
- Performance of the Respondent as a tenant (including references).

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 - Key Result Area 3 Economic Development

"3.1 Promote business opportunities in the Town:

- (e) Foster improved liaison between business groups, community groups, precinct groups, the Town and other relevant stakeholders";*

3.2 *Develop business strategies that provide a positive triple bottom line return for the Town:*

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

FINANCIAL/BUDGET IMPLICATIONS:

Criteria as to the fiduciary implications and benefits of the lease/licence was not a compulsory requirement as part of the expression of interest documentation. This shall be requested when the applicant organisations submits a formal tender for the premises.

COMMENTS:

It is recommended that as the applicant's organisation meets the relevant criteria, they be invited to submit tenders for the lease/licence of 13 Haynes Street, North Perth.

10.4.4 Leederville Oval, 246 Vincent Street, Leederville and Adjoining Land - Public Open Space Working Group

Ward:	South	Date:	1 December 2004
Precinct:	Oxford Centre, P4	File Ref:	RES0052
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **CONSIDERS** the nominations received for the Leederville Oval Public Open Space Working Group;
- (ii) **APPOINTS** the following community representatives to the Working Group for the period 1 January 2005 to 31 December 2005;
 - (a) *Mr David Waterhouse; and*
 - (b) *Ms Gail Gilmour; and*
- (iii) **ADVISES** all nominees of the decision and expresses its appreciation to all nominees for their interest.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

BACKGROUND:

At the Special Meeting of Council held on 30 October 2001, the Council approved of Leederville Oval to be redeveloped into a "Football Centre of Excellence" to be the home for EPFC and SFC.

On 30 October 2001, the Council also approved of a draft Masterplan showing facilities for Leederville Oval and authorised the Chief Executive Officer to advertise the proposed Public Open Space.

On 24 September 2002 (10 December 2002), the Council approved of the redevelopment of Leederville Oval. On 13 May 2003, Council approved of the Major Land Transaction to construct an Office Building on Leederville Oval.

At the Ordinary Meeting of Council held on 26 October 2004, Council considered the matter of the establishment of a Working Group to consider and refine the proposed Public Open Space Concept Plan at Leederville Oval and resolved as follows;

"That the Council;

- (i) APPROVES IN PRINCIPLE of the Public Open Space (POS) Concept Plan for Leederville Oval, as shown in Plan No. 2292-CP-1A;*
- (ii) APPROVES of a Working Group to consider the POS Concept Plan, as follows;*
 - (a) CEO, Executive Manager Technical Services (EMTS), Manager Engineering Design Services (MEDS), Manager Parks Services (MPS) and Strategic Planning Officer (SPO);*
 - (b) General Managers of East Perth Football Club (EPFC) and Subiaco Football Club (SFC);*
 - (c) two community representatives (to be nominated); and*
 - (d) Crs Lake and Chester be appointed to the Working Group to consider the POS Concept Plan;*
- (iii) AUTHORISES the CEO to advertise seeking nominations for the Leederville Oval POS Working Group;*
- (iv) REFERS the draft Concept Plan to the Leederville Masterplan Project Consultants for their consideration;*
- (v) FURTHER CONSIDERS the POS Concept Plan in February 2005; and*
- (vi) REQUESTS the Chief Executive Officer to enter into discussions with the Leederville Childcare Centre to review and amend the current lease boundaries."*

An advertisement was placed in the local newspaper and on the Town's webpage on 6 November 2004 calling for nominations from community representatives to the Working Group. Letters were also sent to all Precinct/Community Groups in the Town. At the close of the nomination period on 29 November 2004, nine (9) nominations were received and these are detailed in Appendix 10.4.4.

Original Concept

The original concept for the proposed Public Open Space at Leederville Oval provided an area of approximately 10,650m² outside the Football Oval to be created into public open space and to include plants, lawn, paths, lighting, fencing, street furniture, public art, bore upgrade and reticulation, upgrade of footpaths, street lighting and infrastructure. This original proposal was shown in Plan No. SK.07A and indicated a 2 metre high fence surrounding the Oval on the eastern side, approximately 10 metres from the Oval boundary.

Proposed Concept

During the many discussions held with EPFC, SFC and the WAFL, the proposal to erect a 2 metre fence to enclose the Oval was discussed at length. As the matter progressed, the Clubs supported a proposal which would delete the requirement of this high fence and allow the community full access to the Oval (other than during the Clubs' games, training and organised events). In essence, the community would have access to play on the Oval and also in the area between the Oval fence and the original public open space.

A new Concept Plan No. 2292-CP-1A indicates the various changes to the original concept.

The concept plan has been refined as a result of the numerous discussions and it is considered that this has more benefit to the community as it will provide far greater access to the proposed public open space. Furthermore, it will enable the Town to install fixtures and fittings, such as community fitness equipment and barbeques. In addition, it is believed that the deletion of the fence will be an improvement to the amenity of the area.

As the concept plan is still to be further refined, it would be of benefit to form a Working Group comprising of Town's Officers, Football Club representatives, members of the local community and an Elected Member. In addition, the concept plan should be forwarded to the Leederville Masterplan Project Consultants for their consideration.

Indicative Timetable

To ensure that the concept plan provides the most benefit to the community and all stakeholders, the timetable would be as follows;

	Timeline
Formation of Working Group	December 2004
Advertising of Working Group - Community Members	October-November 2004
Refinement of Concept Plan - Meetings	February-March 2005
Report to Council	April -May 2005
Advertising of Final Concept Plan - Community Consultation	May-June 2005
Preparation of final design plans, obtain costings	June-August 2005
Construction of Public Open Space	September 2005-December 2005

The bulk of the work is recommended to be carried out after the conclusion of the WAFL 2005 season.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$470,000 is contained in the Town's budget for the completion of the proposed Public Open Space.

LEGAL/POLICY IMPLICATIONS:

Terms of Reference have been prepared for the Working Group.

ADVERTISING/COMMUNITY CONSULTATION:

The final concept plan, once approved by Council, will be advertised for community consultation.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3.2 - *"Develop business strategies that provide a positive triple bottom line return for the Town"*, and 3.2(e) *"Maintain separate cost centres for Perth Oval and Leederville Oval and other business units."*

COMMENT:

The high number of nominations indicates that there is considerable community interest in the matter. All nominees are considered suitable for the Working Party. The two recommended nominees live in Leederville. They are not members of any Precinct Groups. It is considered that their views will provide "grass roots" views of the local residents, and as such, their nominations are recommended for approval.

APPENDIX 10.4.4

LEEDERVILLE OVAL - PUBLIC OPEN SPACE WORKING GROUP:

- Crs Simon Chester and Sally Lake
- Chief Executive Officer (Chair), Executive Manager Technical Services, Manager Engineering Design Services, Manager Parks Services and Strategic Planning Officer
- General Managers of East Perth Football Club and Subiaco Football Club

NOMINATIONS RECEIVED

- Name:** Mr Daniel Caddy
Address: Mount Hawthorn
Qualifications: BA (Pol.)
Membership of Community Organisations:
Chair of Mount Hawthorn Precinct Group
Community representative on the Town's Local Area
Traffic Management Advisory Group

Reasons to be considered as a Community Representative:
Believes it is important to have community representatives on the working group who have been actively involved in the community and have both a good sense of what the general attitudes in the community are, as well as an eye to what the Town can and will become in the future.

As someone active in the Precinct Group system that operates throughout the Town, is keen to stay involved and have input in the future of the Town.
- Name:** Mr Jim Fitzpatrick
Address: North Perth
Qualifications: BA, Dip.Ed
Membership of Community Organisations:
Chair - Norfolk Precinct Group Inc
Member of the Vincent Vision Taskforce

Reasons to be considered as a Community Representative:
Has been actively involved in local community issues for some time now and therefore has an interest in these issues. This also "slots in" to Vincent Vision issues and believes he can make a considered contribution to the Working Group.
- Name:** Ms Gail Gilmour
Address: Leederville
Qualifications: BA (Human Services), A.Dip Library Studies
Membership of Community Organisations:
Member of Musica Viva, IPAA

Reasons to be considered as a Community Representative:
Has only been in the Leederville community for just over 2 years and has been very impressed with the significant community input to Council and associated activities.

APPENDIX 10.4.4

LEEDERVILLE OVAL - PUBLIC OPEN SPACE WORKING GROUP (...cont):

(Ms Gail Gilmour .../cont) Recently took part in the "Vincent Vision 2024" which was a very insightful experience.

Has found that living in the Town of Vincent meets all her ideals for community life - diverse, tolerant, consultative, future orientated, splendid amenities and innovative.

4. **Name:** Mr Martin Jones
Address: Leederville
Qualifications: B.App.Science
Membership of Community Organisations:
N/A

Reasons to be considered as a Community Representative:

Is a Site Manager (Gold Project) and has worked extensively in and out of Australia for many years. Has travelled a lot and could bring knowledge to this Working Group.

Lives in Richmond Street and would like to contribute to enhance Leederville and its development.

His work involves complex situations in culturally sensitive environments so that he is aware of issues which deal with people and communities.

5. **Name:** Mr Dudley Maier
Address: Highgate
Qualifications: B.Sc
Membership of Community Organisations:
Secretary, Hyde Park Precinct Group
Treasurer, Claise Book Catchment Group

Reasons to be considered as a Community Representative:

Is keen to see that the Public Open Space:

- works efficiently;
- provides easy, universal, safe and secure access to the oval and the surrounding facilities;
- looks attractive and is designed to leave a long term legacy;
- provides a mechanism for linking, in more than a physical sense, the facilities surrounding the oval (eg DSR, Centre of Excellence, new 'stadium', community centre, TAFE, Administration Centre and child care centres); and
- provides a green getaway for people working in the Leederville area (i.e. it is more than a path linking Richmond and Vincent Streets).

APPENDIX 10.4.4

LEEDERVILLE OVAL - PUBLIC OPEN SPACE WORKING GROUP (...cont):

(Mr Dudley Maier.../cont)

Believes that the plant selection should be predominantly local species. Apart from environmental and aesthetic reasons, believes that this will build on and strengthen what is already in the Keith Frame Reserve and the Admin Centre. However the selection of plants and layout should respond to desired outcomes rather than determine those outcomes (i.e. the requirements should be clearly identified and used to determine the ultimate design).

Also believes that the Town should use the design and development of the POS as a means to develop the horticultural design skills of its Parks Service staff. The Town has an excellent team and they should be encouraged to actively participate in the design as a form of professional development.

6. **Name:** Mr Cosi Schirripa
Address: North Perth
Qualifications: B.Sc, Bachelor of Education
Membership of Community Organisations: Chair of North Perth Precinct Group
Reasons to be considered as a Community Representative:
Has been a very strong and interested supporter of the Leederville Oval development - its use as a base by WAFL Clubs and Department of Sport has converted it into an exceptional asset.

The public open space is a very important part of this overall development as it will allow the "average" ratepayer and resident (and visitor to the Town) to share in this unique facility.

As a member of the Working Group, believes he can make a positive contribution to ensuring that this facility meets the needs of all residents and is accessible to all the general public (not just those in close proximity).

7. **Name:** Mr Colin Scott
Address: North Perth
Qualifications: N/A
Membership of Community Organisations: Smith's Lake Precinct Group - Founding Member
Claise Brook Catchment Group - Founding Member
Reasons to be considered as a Community Representative:
Leederville Oval falls within his immediate local area and recreation facility. Has a lifetime history of interests in football and this playing field. Has a large interest in community representation. Enjoys contributing to local interests and occasions. Original submission for redevelopment of Leederville Oval lobbied for open space plans.

APPENDIX 10.4.4

LEEDERVILLE OVAL - PUBLIC OPEN SPACE WORKING GROUP (...cont):

8. **Name:** Mr Ray Stevenson
 Address: North Perth
 Qualifications: BMarEngSc - Graduate Diploma in Management
 Membership of Community Organisations:
 Chair of Leederville Community Action Group
 Leederville Lions Club
- Reasons to be considered as a Community Representative:**
 Is a member of the East Perth Football Club and believes that East Perth and Subiaco Football Clubs' move to Leederville Oval has been a positive one for the WAFL and the Town.
- Leederville Oval could be utilised by the community for passive recreational space and use as well as being a "Centre of Sporting Excellence".
- Instead of Leederville Oval being seen as exclusive to the community be residents and ratepayers, it could become inclusive of the community and East Perth and Subiaco Football Clubs would become part of the Town which would create a real sense of community and belonging.
9. **Name:** Mr David Waterhouse
 Address: Leederville
 Qualifications: B.Sc, PhD (Physics)
 Membership of Community Organisations:
 Canning-Victoria Park Apex Club - 1999-2001; Willetton Hockey Club - 1983-2000, Team Manager 1997-2000; University Underwater Club - 1993-1999, Committee Member 1996-1998; Leederville Oval Action Group Committee Member - 2001-2002
- Reasons to be considered as a Community Representative:**
 Lives directly across the street from the proposed open space and has a keen interest in the development of the local area. The demographics of Leederville are rapidly changing as younger people move into houses vacated by elderly residents, and infill development puts additional pressure on the Town to provide public open space that is attractive, safe, ecologically diverse and environmentally sensitive.
- Offers the perspective of a (relatively young) nearby resident, who is keen to participate in the development of community facilities that can be shared and admired by all. Via his long involvement with sporting and service clubs, is familiar with the issues that frequently arise with shared use facilities. Believes that input from local residents is essential if the Town is to develop a popular and highly-utilised public open space, and would be happy to act as a community representative.

10.4.6 Information Bulletin

Ward:	-	Date:	1 December 2004
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 7 December 2004 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Meeting.)

DETAILS:

The items included in the Information Bulletin dated 7 December 2004 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Australian Government, Australian Communications Authority – Deployment of Radiocommunications Infrastructure Code
IB02	Letter from Main Roads Western Australia – Vehicles Parked on Verges of Main Roads and Highways
IB03	Local Health Authorities Analytical Committee - Acknowledgement
IB04	Response to Question on Notice - Ordinary Meeting of Council held on 23 November 2004 - Mr P Kotsoglo
IB05	Register of Petitions - Progress Report - December 2004
IB06	Register of Notices of Motion - Progress Report - December 2004
IB07	Register of Reports to be Actioned - Progress Report - December 2004
IB08	Register of Legal Action
IB09	Register of Town Planning Appeals
IB10	Forum Notes - 16 November 2004
IB11	Notice of Forum - 14 December 2004

10.1.2 No(s). 16 (Lot(s) 28) Brentham Street, Leederville - Proposed Part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings and Nineteen (19) ~~Two~~ Three-Storey ~~Including Lofts~~ Grouped Dwellings

Ward:	North	Date:	1 December 2004
Precinct:	Leederville; P3	File Ref:	PRO2703; 00/33/2324
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by W Tjhung on behalf of the owner Baymoon Holdings Pty Ltd for proposed Part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings and Nineteen (19) Two-Storey Including Lofts Grouped Dwellings, at No(s). 16 (Lot(s) 28) Brentham Street, Leederville, and as shown on revised plans stamp-dated 22 November 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Brentham Street and the southern and eastern sides shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) subject to first obtaining the consent of the owners of Nos. 20 (Lot 100) Brentham Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos.20 (Lot 100) Brentham Street in a good and clean condition including the incorporation of significant design features to reduce the visual expanse of the north facing wall of Unit 13;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the provision of significant design features to the brick wall of Unit 13 adjacent to the northern boundary; and*

- (b) *the windows to Bedroom 1 of Unit 10, Bedroom 1 and 2 of Unit 11 and Bedroom 2 of Unit 12 on the first floor and Bedroom 2 on the first floor and Attic for Unit 13 on the western elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

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

- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) *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";*
- (viii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ix) *an archival documented record of the places (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;*
- (x) *prior to the issue of a Building Licence, a Management Plan addressing restriction in the use of ground water, monitoring of ground water quality and any other appropriate matters identified in the Department of Environment (DoE) letter dated 27 September 2004, shall be submitted to and approved by the Town and the DoE. All such works shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plan; and*
- (xi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Brentham Street, dust, safety and any other appropriate matters, shall be submitted to and approved by the Town;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted subject to the report title, first paragraph of Officer Recommendation and clauses (v)(c), (d) and (xii) being amended as follows:

"10.1.2 No(s). 16 (Lot(s) 28) Brentham Street, Leederville - Proposed Part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings and Nineteen (19) ~~Two~~ Three-Storey ~~Including Lofts~~ Grouped Dwellings"

"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 W Tjhung on behalf of the owner Baymoon Holdings Pty Ltd for proposed Part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings and Nineteen (19) ~~Two~~ Three-Storey ~~Including Lofts~~ Grouped Dwellings, at No(s). 16 (Lot(s) 28) Brentham Street, Leederville, and as shown on revised plans stamp-dated 22 November 2004, subject to:"

"(v) (c) noise attenuation measures, such as double glazing of all openings on the northern elevation of the dwellings facing the northern boundary of the subject site; and

(v) (d) the preferred option in terms of site remediation being Option (1)/(A), however, the overall height of the development being a maximum of 9 metres above the natural ground level and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas;

(xii) prior to the ground floor footings and slab being poured, the applicant/owner shall submit documentary evidence to the satisfaction of the Town that the amount of fill is in accordance with the fill levels recommended by the Department of Environment and as approved in this approval;"

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Franchina

That the Item be DEFERRED for the applicant to consider moving the spa and barbecue outdoor area.

CARRIED (6-2)

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

(Mayor Catania was absent from the Meeting.)

ADDITIONAL INFORMATION:

The fill proposed is approximately 500 millimetres. The main issue relates to the minimum level of fill and the maximum overall height of the development, which should be 9 metres when measured from natural ground level. As such, a condition is recommended that the fill level comply with the recommendation of the Department of Environment (DoE) and also ensure that the overall height of the proposal is a maximum 9 metres from natural ground level.

The proposed development is solely for residential purposes, therefore does not require a public art contribution, in terms of the Town's Policy relating to Percentage for Public Art.

The Department of Environment has advised that an asbestos warning barrier is a physical barrier of plastic or geotextile fabric, which would warn any persons who may excavate the site to stop digging and investigate further.

The proposed lofts comply with the proposed draft 60 per cent of floor area below loft requirement currently being developed by the Town's Officers for consideration by the Council.

Landowner:	Baymoon Holdings Pty Ltd
Applicant:	W Tjhung
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Institutional Building
Use Class:	Multiple Dwelling & Grouped Dwelling
Use Classification:	"P"
Lot Area:	5150 square metres

BACKGROUND:

The above development proposal was presented to the Elected Members Forum on 17 August 2004. The site at some point in the past appeared to have been used as a rubbish dump.

DETAILS:

The site is the former premises of the WA Deaf Society. The proposal involves the proposed demolition of existing institutional building, alterations and additions to existing six (6) multiple dwellings, and construction of additional six (6) multiple dwellings and nineteen (19) two-storey including lofts grouped dwellings. The site is bounded by Aranmore Primary School to the north and parkland to the south and eastern sides. Due to the previous use of the site as a rubbish dump, a geotechnical report has been submitted, including an environmental assessment of the site.

The applicant has advised that both the geotechnical report and environmental assessment indicate that the soil under the site are of concern in regards to stability and level of contaminations, and recommended strongly that the site be treated in one of two options, as below:

- (i) "The site to be filled with clean fill to a height of approximately 1 m.
- (ii) The site to be excavated approx 1 m then backfilled with clean fill."

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	R60 -30 dwellings (19 grouped dwellings and 11 multiple dwellings)	R 60.19 or 0.31 per cent density bonus(31 dwellings -19 grouped dwellings and 12 multiple dwellings)	Supported- the matter is further discussed below.
Plot Ratio	If the site was developed completely as grouped dwellings, the plot ratio is 0.65 (or 3347.5 square metres), and if completely developed as multiple dwellings, the plot ratio is 0.70 (or 3605 square metres)	19 grouped dwellings and 12 multiple dwellings are proposed resulting in a plot ratio of 0.664 (or 3419 .6 square metres)	Supported- the increase in the plot ratio by 72.1 squares metres is considered minor in the context of the lot area of 5150 square metres. The bulk and scale have been evenly distributed and does not reflect an overdevelopment of the site.
Balconies, Units 4,5 and 6	Depth of 2 metres and area of 10 square metres	Depth of 1.7 metres and area of 9.35 square metres	Supported-as they are existing balconies.
Privacy Setback- Balconies	7.5 metres	1.8 to 2.5 metres to the eastern and southern boundaries.	Supported- as the balconies look into the park area to the east and south side of the above site.
Height of Wall	6 metres	7.8 metres for units 13, 20, 21 and 28	Supported- as the proposed fill has been reduced resulting in the overall development height being within 9 metres as required in the R Codes.
Setbacks: North elevation- Stores	"Nil" but wall height should be less than 3.5 metres	"Nil"-wall height 3.6 metres in a certain section	Supported- as the additional height will not unduly affect the amenity of the adjoining lot, which is the Aranmore Primary School.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
North elevation- Outdoor area	1.5 metres	"Nil"-Greater than 0.5 metres above natural ground level.	Supported- as the additional height will not unduly affect the amenity of the adjoining lot, which is the Aranmore Primary School. The fence height will prevent any undue overlooking.
West elevation- Ground floor	4 metres	3.5 metres	Supported- the adjoining lot to the north is the Aranmore Primary School and to the south is a park. The reduced setback will not unduly impact the streetscape.
South elevation- Ground floor	5 metres	2.5 metres	Supported- as the adjoining lot is a park, and will not unduly impact on the amenity of the area. The reduced setback will contribute to interaction between the development and the park.
South elevation- Ground floor	3.4 metres	1 to 1.5 metres	Same as above
East elevation- Ground floor	5 metres	2.2 metres	Same as above
West elevation- First floor balcony	6 metres	4.6 metres	Supported- the adjoining lot to the north is the Aranmore Primary School and to the south is a park. The reduced setback will not unduly impact on the streetscape.
North elevation-First floor	4.9 metres	2.08 to 2.98 metres	Supported- as the reduced setback will not unduly affect the amenity of the adjoining lot, which is the Aranmore Primary School. All privacy related issues comply with the R Codes.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
North elevation-First floor	2.97 metres	2.08 to 2.98 metres	Same as above
East elevation-First floor	9 metres	5 metres	Supported- as the adjoining lot is a park, and will not unduly impact the amenity of the area. The reduced setback will contribute to interaction between the development and the park.
East elevation-First floor	7.7 metres	1.8 to 2.245 metres	Same as above
South elevation-First floor	9 metres	5.3 metres	Same as above
South elevation-First floor	8.3 metres	2.1 metres	Same as above
Consultation Submissions			
Support (1)	The Department of Environment (DOE) has advised that the environmental and geotechnical reports “ <i>suggest that retention of the fill material on site would not pose significant risk to ground water quality.</i> ” The DoE also agreed with Option (i), as the preferred management choice of the site. Retention of fill will require a minimum of 1 metre clean soil over open areas and 0.5 metre over hardstand areas, with an appropriate asbestos warning barrier installed. It is further recommended that groundwater monitoring be carried out on an annual basis to ensure water quality and integrity of the underground infrastructure. If Option (i) is to be undertaken, upon the proclamation of the Contaminated Sites Act 2003, the site is likely to be classified as “ <i>Remediated for restricted use</i> ”. A memorial would be placed on the title and deeds to the above effect.		Supported and addressed via a condition in Officer Recommendation.
Comment (3)	Aranmore Principal has voiced concern to the applicant regarding the potential exposure of contaminated soil.		Noted and Option (i) is being action which involves fill to site, rather than excavation.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
	<p>Aranmore Principal has indicated to the applicant that the boundary walls on the northern side of the subject site was considered acceptable, and would enhance the visual and acoustics privacy between the school and the proposed development.</p> <p>Increase in traffic along Brentham Street including what measures are being taken to ensure safety and security of residents, school children, young people playing sport during the week-ends and speeding during late nights and early mornings?</p>		<p>Noted- an appropriate condition is being imposed to ensure that the wall facing the northern boundary is finished and maintained in good and clean condition, including the incorporation of design features to break up the expanse of wall.</p> <p>Noted- Brentham Street is regarded as a Local Distributor Road (capable of up to 6000 vehicles per day).The traffic volumes along Brentham Street as a result of the above development will be 2793 vehicles per day. No additional traffic features are planned for Brentham Street as there are already speed humps in the vicinity of the Aranmore Primary School.</p> <p>Speeding is a police matter and requires a separate follow-up by residents.</p>
Objection (1)	<p>Aranmore School Board has raised concern regarding bulk and scale of development.</p> <p>May be conflict between potential buyers and school in the future.</p> <p>Possibility of Year 4 students whose class room is located adjacent to spa and barbecue area being exposed to noise and inappropriate language.</p> <p>Difficulties during construction time for school community in terms of traffic, safety to children, noise and dust.</p>		<p>Not Supported-as the height of the overall building and plot ratio complies with the R Codes.</p> <p>Not Supported-as the issue is not planning related.</p> <p>Not Supported-as the issue is not planning related.</p> <p>Noted- the applicants/owners will be required to submit a Management plans relating to the issues raised.</p>

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
	Lack of enforcement by Town in terms of parking restrictions associated with previous development in the area.		Not Supported- for past development, Town's rangers did enforce parking restrictions, including the issue of infringements. Parking restrictions will also be enforced for the proposed development.
	Removal of trees.		Noted- a professional Arboriculturist has advised that the previous trees on the subject site were not worthy of retention and removal of the trees would have been warranted due to the trees not being structurally sound and unsafe.
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.

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for grouped and multiple dwellings from the R Codes. A total of 61 car bays are required for the whole development, which is inclusive of 5 visitors' car bays. A total of 67 car bays have been provided.

Geotechnical Report

The Town's Technical Officers have recommended that Option (i) would be the preferred option for the site. The Town's Environmental Health Officers have advised support of the recommendations of the DoE. The proposed fill has been reduced to approximately 500 millimetres and is within the prescribed range recommended by the DoE for hard stand areas.

Partial Demolition

The above site is not on the Town's Municipal Heritage Inventory or Interim Heritage Database as such there is no objection to the building proposed to be demolished.

COMMENTS:

The proposed overshadowing from the above development would be on the parks area to the south of the site, and as such no overshadowing diagram is provided. The majority of the variations are considered to adequately address the relevant performance criteria in the R Codes and the Town's Policies.

Clause 40 of TPS No.1 allows the Council to consider variations, and determine whether the variations are likely to unduly affect any owners or occupiers. The proposal has also been advertised, and four submissions have been received. The variations sought are considered to not unduly affect the amenity of the area.

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

Moved Cr Chester, Seconded Cr Lake

That Item 10.1.17 – No(s) 28 (Lot(s) 56) Monger Street, Perth – Proposed Demolition of Existing Single House and Outbuildings and Construction of a Three-Storey Mixed Use Development Comprising Two (2) Offices and Three (3) Multiple Dwellings and Associated Car Parking be brought forward.

CARRIED (8-0)

(Mayor Catania was absent from the meeting.)

10.1.17 No(s). 28 (Lot(s) 56) Monger Street, Perth - Proposed Demolition of Existing Single House and Outbuildings and Construction of a Two-Three-Storey Mixed Use Development Comprising Offices and Three (3) Multiple Dwellings (Including Lofts) and Associated Car Parking

Ward:	South	Date:	1 December 2004
Precinct:	Beaufort; P13	File Ref:	PRO2547; 00/33/2519
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 Tangelo Design Consultants on behalf of the owner Knutsford On Blake Pty Ltd for proposed Demolition of Existing Single House at No(s). 28 (Lot(s) 56) Monger Street, Perth, and as shown on plans stamp-dated 11 October 2004, subject to:*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town’s Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (e) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*

- (f) *prior to the issue of a Demolition Licence, plans shall be submitted and approved demonstrating the provision of a plaque or interpretive piece of artwork visible to the public domain that recognises the historic value associated with the site. The approved plaque or interpretive piece of artwork shall be installed prior to the first occupation of any future redevelopment of the property and maintained thereafter by the owner(s)/occupier(s), and*
- (g) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Tangelo Design Consultants on behalf of the owner Knutsford On Blake Pty Ltd for proposed Construction of a Two-Three-Storey Mixed Use Development Comprising Offices and Three (3) Multiple Dwellings (Including Lofts) and Associated Carparking , at No(s). 28 (Lot(s) 56) Monger Street, Perth, and as shown on plans stamp-dated 11 October 2004, for the following reasons:*

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the non-compliance with the plot ratio, building height and setbacks requirements of the Residential Design Codes;*
- (c) *the non-compliance with the plot ratio, building height and number of storeys requirements of the Town's Policies relating to Beaufort Precinct, Building Scale and Lindsay Locality , respectively; and*
- (d) *consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Chester, Seconded Cr Torre

That the Item be DEFERRED as requested by the applicant.

CARRIED (8-0)

(Mayor Catania was absent from the Chamber.)

Landowner:	Knutsford On Blake Pty Ltd
Applicant:	Tangelo Design Consultants
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Single House
Use Class:	Office Building & Multiple Dwelling
Use Classification:	"AA" & "P"
Lot Area:	438 square metres
Access to Right of Way	N/A

BACKGROUND:

24 February 2004 - The Council at its Ordinary Meeting resolved to refuse an application for a proposed demolition of existing single house and construction of a three-storey mixed-use development comprising two (2) offices, two (2) two-storey with loft grouped dwellings, one (1) two-storey grouped dwelling and associated basement car parking at the subject lot.

30 November 2004 - The Town's Officers advised the applicant that the subject proposal cannot be supported due to the extent of variations. The applicant requested the proposal to be referred to Council for determination.

DETAILS:

The proposal involves the demolition of existing single house and outbuildings and construction of a three-storey mixed use development comprising two (2) offices and three (3) multiple dwellings and associated carparking. 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	R 80- 3 Multiple dwellings	R 68.5- 3 Multiple dwellings	Supported- no variation.
Plot Ratio	0.75- 328.5 square metres	1.00- 442 square metres	Not Supported- over-development of site (plot ratio does not include roof terraces on loft floor of Unit 2 and 3 and loft/first floor of Unit 1 as they open on two sides, apart from screening).
Building Height	6 metres	6.3 metres	Not Supported- bulk and scale inconsistent with surrounding area.
Car Parking	8 bays	5 bays	Supported- Clause 4.2.1 of R- Codes permits reduction to one car bay per dwelling, where on-site parking is available from the commercial uses on site.
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Two boundary walls proposed: Western boundary wall has an average height of 3.3 metres and a maximum height of 3.5 metres, for 40.4 % of boundary.	Not Supported- height of wall considered to have undue impact on neighbours.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
		Eastern boundary wall has an average height of 4.15 metres and a maximum height of 5.5 metres, for 57.4 % of boundary.	
Non-Compliant Requirements			
Setbacks:			
Site/ground floor			
-South (Front)	Maintaining existing setbacks in the street.	Forward of existing setbacks along the street.	Supported- front setbacks within area generally not consistent.
-East	1.5 metres	Nil	Supported- no undue impact on neighbour.
First/ground floor			
-South(Front)-	6 metres	900 millimetres to terrace, and 4.2 metres to 5.3 metres to main façade.	Supported- impact on streetscape considered minor given first floor terrace is generally open
-North (Rear)	1.5 metres	0-4.5 metres	Supported- no undue impact on neighbour.
- West(Unit 2)	1.5 metres	Nil	Not Supported- undue impact on neighbour.
- East	2.3 metres	Nil-2.0 metres	Not Supported- undue impact on neighbour.
Loft/first floor			
- North(Rear)	3. metres	1.6-2.7 metres	Supported- no undue impact on neighbour.
- East(Unit 3)	3.5 metres	0.5-2.8 metres	Supported- subject to eastern side of deck being screened to full height (and therefore, wall being assessed as minor opening).
- West(Unit 2)	3.5 metres	0.5-2.8 metres	Supported- subject to western side of deck being screened to full height.
No. of Storeys	2 Storeys	3 Storeys	Not Supported- however, may be supported subject to wall height being reduced to comply.

Consultation Submissions			
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Support	N/A		N/A
Objection (3)	<p>The current proposal is not required to be advertised as an application for a similar proposal has been advertised and determined at an Ordinary Meeting of Council within the previous twelve months.</p> <ul style="list-style-type: none"> • Plot ratio. • Building height. • Bulk and scale. • Overlooking and over-shadowing. • Excavation. • Impact on streetscape. • Front setbacks do not comply with Lindsay Locality Statement. • Monger Street is an intact streetscape. • Lack of parking and crossover width will reduce street parking. • Noise. 		<p>Supported- refer to above.</p> <p>Supported- refer to above.</p> <p>Supported.- bulk and scale inconsistent with surrounding area.</p> <p>Not Supported- compliant with R-Codes in terms of privacy and solar access.</p> <p>Not Supported- compliant with R-Codes in terms of excavation.</p> <p>Supported- bulk and scale inconsistent with surrounding area.</p> <p>Not Supported. - refer to above.</p> <p>Supported- height, bulk, scale and plot ratio are not considered to be keeping in the immediate streetscape.</p> <p>Not Supported- sufficient car parking provided on-site.</p> <p>Not Supported- no specific planning requirements relating to noise control.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

Demolition

The Heritage Assessment for the above property is included as an attachment, and was undertaken in accordance with the Town's Policy No.3.6.2 and found that the significance of the place was as follows:

Primary Significance

*The place has **little to some historic value** as part of the rapid and dense development, within walking distance from the city, which occurred during the influx of migrants attracted to Perth in the Gold Rush Period (1890-1910).*

With respect to the above statement, the significance of the place is limited to its historic value and not its physical attributes. The general lack of integrity as a result of accumulative changes has been acknowledged in the Heritage Assessment.

The proposed demolition of the existing single house and the provision of interpretive artwork visible to the public domain attempts to reconcile the acknowledgement of limited historic significance and the constraints of the site in terms of redevelopment.

In light of the above, it is considered that the proposal to demolish the existing house is considered acceptable, subject to further details being submitted to and approved by the Town regarding the design, location and interpretation of the heritage values of the site, prior the issuing of a Demolition Licence.

COMMENTS:

In light of the objections received, the bulk and scale of the proposed development, and the above-mentioned variations sought, the proposal is considered to adversely impact on the amenity of the neighbouring properties and the area generally.

Given there is opportunity for redesign for compliance with the Residential Codes and the Town's Policies, the proposal is recommended for refusal.

10.1.18 No(s). 255 (Lot(s) 24, Strata Lot No(s). 2 & 3) Beaufort Street, Perth - Proposed Change of Use from Existing Office to Shop and Office

Ward:	South	Date:	1 December 2004
Precinct:	Beaufort; P13	File Ref:	PRO2946; 00/33/2467
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 M T Pham on behalf of the owner Lefroy Nominees Pty Ltd for proposed Change of Use from Existing Office to Shop and Office, at No(s). 255 (Lot(s) 24, Strata Lot No(s). 2 & 3) Beaufort Street, Perth, and as shown on plans stamp-dated 16 September 2004 (floor plan), 15 November 2004 (elevations) and 16 November 2004 (site plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of access, sanitary facilities and car parking for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) the hours of operation shall be restricted to the following times: 9am to 5.30 pm Monday to Friday and 10am to 3 pm on Saturday, inclusive; and*
- (iv) the office component shall be limited to 144 square metres and the retail component shall be limited to 149 square metres, of gross floor area;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.18

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

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

- (i) prior to first occupation of the Unit, compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of access, sanitary facilities and car parking for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act;*

AMENDMENT CARRIED (7-1)

For
Deputy Mayor – Cr Ker
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Lake
Cr Torre

Against
Cr Franchina

(Mayor Catania was absent from the meeting.)

Debate ensued.

MOTION AS AMENDED LOST
ON THE CASTING VOTE OF THE PRESIDING MEMBER (4-5)

For
Cr Cohen
Cr Farrell
Cr Lake
Cr Torre

Against
Deputy Mayor – Cr Ker (2 votes)
Cr Chester
Cr Doran-Wu
Cr Franchina

(Mayor Catania was absent from the meeting.)

Cr Farrell departed the Chamber at 7.25pm.

Reasons:

1. **Uncertainty that the conditions can be complied with.**
2. **The carparking modifications require the consent of the Body Corporate which has not been provided.**
3. **The proposal does not have the consent of the owners of the common property required to be modified to satisfy conditions present of the recommendations contained in the Agenda.**
4. **Dispensations of the on-site carparking.**

Landowner:	Lefroy Nominees Pty Ltd
Applicant:	M T Pham
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
Existing Land Use:	Residential
Use Class:	Shop/Office
Use Classification:	"P"
Lot Area:	1688 square metres
Access to Right of Way	N/A

BACKGROUND:

The subject application was withdrawn by the Chief Executive Officer from the Ordinary Meeting of Council held on 23 November 2004 mainly to allow for further investigation to be carried out in relation to the validity of the planning application.

DETAILS:

The proposal involves a proposed change of use from existing office to shop and office. The proposal does entail any alterations or additions to the building or changes to the facade. 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	N/A		N/A
Objection (3)	<ul style="list-style-type: none"> • car parking • changes to the façade • car bays not of the applicant • permission not granted from land owner • lack of information on plans • proposal inconsistent with Beaufort Policy • proposal inconsistent with established use of premises 		<p>Not supported - adequate car parking provision in accordance with Parking and Access Policy.</p> <p>Not supported - plans indicate no change to façade.</p> <p>Not supported - strata plan provided by applicant indicates car bays for the use of subject strata lots.</p> <p>Not supported - Town's solicitors have advised that only strata lot owners' permission is required for planning applications, and not necessarily from all owners of the property, unless affecting common property.</p> <p>Not supported - further information provided and plans adequate for assessment.</p> <p>Not supported - uses appropriate within Commercial zoning.</p> <p>Not supported - uses appropriate within the established office use of the premises.</p>

Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
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) Retail - 9.93 bays Office- 2.88bays			13 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more existing public car parking place(s) with in excess of a total 75 car parking spaces) 			(0.614) 7.98 car bays
Minus the car parking provided on-site dedicated for the subject properties			8 car bays
Resultant shortfall			0.02 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:

The Town's Officer's have sought legal advice from its solicitors regarding the comments received. The solicitors concluded, after giving due consideration to the comments, that the subject application is considered valid, does not require to be re-advertised, and the Council can determine the application, pursuant to the provisions of the Town's Town Planning Scheme No.1.

The proposed uses are considered to be in accordance with the Town's Policies relating to the Beaufort Precinct commercial area and "Parking and Access", and is therefore recommended for approval, subject to standard and appropriate conditions.

Mayor Catania entered the meeting at 7.26pm and assumed the Chair. Mayor Catania thanked Deputy Mayor – Cr Ker for presiding over the meeting in his absence and apologised for being late.

10.1.16 No(s). 219 (Lot(s) 2) Brisbane Street, Perth - Proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House

Ward:	South	Date:	30 November 2004
Precinct:	Hyde Park; P12	File Ref:	PRO1691; 00/33/2289
Attachments:	001		
Reporting Officer(s):	K Batina, 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 REFUSES the application submitted by Repetition and Difference (RAD) on behalf of the owner J Puls for the proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House, at No(s). 219 (Lot(s) 2) Brisbane Street, Perth, and as shown on plans stamp-dated 12 October 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the building setbacks, plot ratio, number of storeys, open space and privacy requirements of the Residential Design Codes, and the requirements of the Robertson Locality Plan; and*
- (iii) consideration of the objection received;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Torre, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Farrell returned to the Chamber at 7.27pm.

LOST (2-7)

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

Reasons:

1. Development presents to Brisbane Street's consistent scale and form.
2. Fall of the block and configuration of development ameliorates non-compliances of plot ratio and building height.
3. The development retains a place listed on the Interim Heritage Database.
4. Previous application approved on the site.

ALTERNATIVE RECOMMENDATION:

Moved Cr Chester, Seconded Cr Torre

That the following alternative recommendation be adopted.

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Repetition and Difference (RAD) on behalf of the owner J Puls for the proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House, at No(s). 219 (Lot(s) 2) Brisbane Street, Perth, and as shown on plans stamp-dated 12 October 2004, subject to:

- (i) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern elevation of the (sleeping room) balcony (to screen to the eastern and western properties) 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 respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ii) *compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) *subject to first obtaining the consent of the owners of the adjoining eastern and western properties for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west in a good and clean condition;*
- (iv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Brisbane Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*

- (v) *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 or Building Licence, whichever occurs first;*

to the satisfaction of the Chief Executive Officer."

Debate ensued.

Moved Cr Lake, Seconded Cr Torre

That clause (i) be deleted.

Debate ensued.

AMENDMENT LOST (2-7)

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

Moved Cr Chester, Seconded Cr Torre

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

- "(i) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern elevation of the (sleeping room) balcony (to screen to the eastern and western properties) 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 respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies, an alternative can be considered that satisfies the overlooking provisions of the R-Codes;"*

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (7-2)

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

COUNCIL DECISION ITEM 10.1.16

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 Repetition and Difference (RAD) on behalf of the owner J Puls for the proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House, at No(s). 219 (Lot(s) 2) Brisbane Street, Perth, and as shown on plans stamp-dated 12 October 2004, subject to:

- (i) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern elevation of the (sleeping room) balcony (to screen to the eastern and western properties) 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 respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies, an alternative can be considered that satisfies the overlooking provisions of the R-Codes;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) subject to first obtaining the consent of the owners of the adjoining eastern and western properties for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Brisbane Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (v) 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 or Building Licence, whichever occurs first;*

to the satisfaction of the Chief Executive Officer."

FURTHER REPORT:

The Council at its Ordinary Meeting held on 9 November 2004 resolved to defer the subject application at the request of the applicant.

The applicant has since requested that the application be referred to Council for determination. No further information has been received by the Town from the applicant in relation to the subject application.

In light of the above, the previous Officer Recommendation for Refusal remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 November 2004:

"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 Repetition and Difference (RAD) on behalf of the owner J Puls for the proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House, at No(s). 219 (Lot(s) 2) Brisbane Street, Perth, and as shown on plans stamp-dated 12 October 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the building setbacks, plot ratio, number of storeys, open space and privacy requirements of the Residential Design Codes, and the requirements of the Robertson Locality Plan; and*
- (iii) consideration of the objection received;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Torre, Seconded Cr Lake

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

Debate ensued.

CARRIED (7-0)

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

<i>Landowner:</i>	<i>J Puls</i>
<i>Applicant:</i>	<i>RAD</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>223 square metres</i>

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>
<i>Plot Ratio</i>	<i>0.65 (151.45 square metres)</i>	<i>0.91 (204 square metres)</i>
<i>Open Space</i>	<i>45 per cent (104.85 square metres)</i>	<i>40 per cent (89.5 square metres)</i>
<i>Setbacks:</i>		
<i>East - Basement</i>	<i>1.5 metres</i>	<i>Nil</i>
<i>-Ground floor</i>	<i>2.3 metres</i>	<i>Nil</i>
<i>-First floor</i>	<i>1.8 metres</i>	<i>Nil</i>
<i>West - Basement</i>	<i>1.5 metres</i>	<i>100 millimetres to 300 millimetres</i>
<i>-Ground floor</i>	<i>1.9 metres</i>	<i>100 millimetres to 350 millimetres</i>
<i>-First floor</i>	<i>1.4 metres</i>	<i>500 millimetres</i>
	<i>Consideration can be given to parapets abutting existing parapet walls on boundaries. In addition, in areas coded R30 and higher, consideration can be given to a parapet on one side boundary subject to certain provisions</i>	
<i>Building Height</i>	<i>7.0 metres to the top of the external wall (concealed roof)</i>	<i>Maximum height of 9.0 metres</i>
<i>Privacy-</i>		
<i>First Floor - (Sleeping Room) Balcony</i>	<i>7.5 metres Note: Southern neighbour provided consent for previous application.</i>	<i>Less than 7.5 metres to eastern and western boundaries.</i>

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

SITE HISTORY:

The subject site slopes down from Brisbane Street to the rear of the property. The site is occupied by a single storey dwelling, which is listed on the Interim Heritage Database. The dwelling has a single storey presentation to the street, and a two-storey presence to the rear, as a result of the slope in the land. An unsealed privately owned right of way 3.4 metres wide abuts the property to the south.

Council at its Ordinary Meeting held 4 November 2003, resolved to conditionally approve an application for alterations and three storey additions to the existing single house, which included the following condition (and not a condition relating to height as stated in the report presented to Council on 25 May 2004):

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

(a) *Significant design features being incorporated into the parapet walls, to reduce the visual impact on adjoining properties;"*

Revised plans that incorporated a design response to the abovementioned condition of approval were subsequently submitted by the applicant. The design response included:

- *Increasing the side setback distance relating to the north-western side of the proposed extension for all levels, with the resultant setback distances proposed being a minimum of 0.2metre (ground floor level) to 1.0metre (first floor);*
- *Amending both the side (north-west) and rear elevations to create more visual interest in lieu of the previous featureless parapet wall and 'boxy' form;*
- *Blade walls being incorporated as part of the outdoor living area, to improve visual privacy for both the subject site and adjoining properties; and*
- *Significantly reducing the overall bulk and scale of the development on the western elevation.*

Council at its Ordinary Meeting held 25 May 2004 resolved to refuse the application for the partial demolition and alterations and three storey additions to the existing single house based on the following reasons;

1. *Negative impact on existing streetscape.*
2. *Bulk and Scale.*
3. *Impact on the amenity of the area. "*

DETAILS:

The plans submitted as part of this application are the same as those plans submitted with the previous application, dated 17 March 2004, with the exception that screening on the western elevation (ground floor- outdoor living/terrace and kitchen/food preparation area, and first floor - study/desk room), has been increased to 1.65 metres to comply with the privacy requirements of the Residential Design Codes (R-Codes).

The applicant has requested Council to revisit its decision to refuse the application, based on a written submission prepared in direct response to Council's reasons for refusal. The written submission forms as an attachment to this report.

The proposal is for alterations to the existing single storey residence and a three-storey rear addition. The works proposed will comprise:

- *The external and internal refurbishment of the original front section of the single storey residence;*
- *The demolition of the rear skillion portion of the original dwelling and three outbuildings from the site; and*
- *A three-storey addition with a portion of the addition being located below natural ground level. The proposed addition will include a double garage (accessed off the right of way), two bedrooms, a small balcony, kitchen and dining room and an elevated outdoor living area/terrace, located above the proposed garage).*

CONSULTATION/ADVERTISING:

The application was not advertised as it is similar to an application advertised in the past twelve months. One objection was received during the previous consultation process.

The letter of objection raised the following concerns:

"The owners of 221 Brisbane Street, Perth have expressed concerns that the proposed development does not comply with the R Codes as per your letter dated 21/04/04".

"By developments abiding to the codes you have an equal standard and this allows for communities to live and work together in harmony".

"Residential design codes have been established and introduced in order to allow for proper and responsible developments and also allow neighbours not to be disadvantaged".

The applicant has also provided the Town with six letters of support from local residents.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes (R Codes).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The matters relating to the proposal have been addressed in the Report, Item 10.1.12 to the Ordinary Meeting of Council held on 25 May 2004.

On the basis that the applicant has submitted the same plans as the previous application (with the exception of changes to screening) and in light of Council's previous decision to refuse that application, it is considered that the applicant has not adequately addressed the reasons of refusal. Accordingly, refusal is recommended for the subject proposal. "

10.1.11 No(s). 367 (Lot(s) 273) Fitzgerald Street, Corner Raglan Road, North Perth - Proposed Two-Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Single Bedroom Dwellings, and Two (2) Two-Storey Single Bedroom Dwellings with Associated Home Studio (Home Office)

Ward:	South	Date:	29 November 2004
Precinct:	North Perth Centre; P9	File Ref:	PRO2905; 00/33/2578
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Bruce Arnold Architects on behalf of the owner BM and LJ Arnold Family Trust & The Sluchniak Family Trust for proposed Two-Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Single Bedroom Dwellings, and Two (2) Two-Storey Single Bedroom Dwellings with Associated Home Studio (Home Office), at No(s). 367 (Lot(s) 273) Fitzgerald Street, corner Raglan Road, North Perth, and as shown on plans stamp-dated 19 November 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements, including access, car parking and sanitary facilities for people with disabilities;*
- (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. 369 (Lot 274) Fitzgerald 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.369 (Lot 274) Fitzgerald Street in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Fitzgerald Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) prior to the first occupation of the development, one (1) class- one or two bicycle parking facilities shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (vi) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

- (vii) *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;*
- (viii) *doors and windows and adjacent floor areas fronting Fitzgerald Street and Raglan Road shall maintain an active and interactive relationship with the streets, and the car parking garages adjacent to the Raglan Road frontage shall be visually permeable for a minimum of 50 per cent permeability when view from the street in accordance with the Town's Policy regarding Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*
- (ix) *prior to the first occupation of the development, a total of six (6) car parking spaces provided for the residential component of the development, inclusive of one (1) visitor car parking bay, shall be clearly marked and signposted for the exclusive use of the residents and visitors, respectively, of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (x) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$8,100) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section 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);*
- (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xii) *a detailed landscaping plan, including a list of plant, the replacement of the on-site Jacaranda tree as recommended by Charles Aldous-Ball Aboriculturist Report dated 14 July 2004 and the landscaping and reticulation of the Fitzgerald Street and Raglan Road verges 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);*
- (xiii) *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";

- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the continuous and complementary awnings being provided over the future Fitzgerald Street footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Street, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the future kerb line of Fitzgerald Street;*

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

- (xv) *the maximum floor space for the office use shall be limited to 272 square metres of gross floor area, unless adequate car parking is provided for the changes in floor area use or floor space area;*

- (xvi) *prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works when the Fitzgerald Street Other Regional Roads reserve is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*

- (xvii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the kitchen window(s) to unit 1 on the first floor level, on the western elevation, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject window(s) not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

- (xviii) *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;*

- (xix) *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*

- (xx) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Fitzgerald Street, Raglan Road and the rear right of way, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

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

"(xxi) 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 with home offices that:

'the home office component of the dwelling cannot be used for habitable purposes (such as a bedroom)';"

AMENDMENT CARRIED (9-0)

Debate ensued.

Moved Cr Cohen, Seconded Cr

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

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

(a) the continuous and complementary awnings being provided over the future Fitzgerald Street footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Street, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the future kerb line of Fitzgerald Street; and

(b) a minimum of 1.0 metre setback from the first floor of Units 1 to 6 to the northern boundary.

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

AMENDMENT LAPSED FOR WANT OF A SECONDER

Debate ensued.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.11

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Bruce Arnold Architects on behalf of the owner BM and LJ Arnold Family Trust & The Sluchniak Family Trust for proposed Two-Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Single Bedroom Dwellings, and Two (2) Two-Storey Single Bedroom Dwellings with Associated Home Studio (Home Office), at No(s). 367 (Lot(s) 273) Fitzgerald Street, corner Raglan Road, North Perth, and as shown on plans stamp-dated 19 November 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements, including access, car parking and sanitary facilities for people with disabilities;*
- (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. 369 (Lot 274) Fitzgerald 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.369 (Lot 274) Fitzgerald Street in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Fitzgerald Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) prior to the first occupation of the development, one (1) class- one or two bicycle parking facilities shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (vi) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) 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;*
- (viii) doors and windows and adjacent floor areas fronting Fitzgerald Street and Raglan Road shall maintain an active and interactive relationship with the streets, and the car parking garages adjacent to the Raglan Road frontage shall be visually permeable for a minimum of 50 per cent permeability when view from the street in accordance with the Town's Policy regarding Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*

- (ix) *prior to the first occupation of the development, a total of six (6) car parking spaces provided for the residential component of the development, inclusive of one (1) visitor car parking bay, shall be clearly marked and signposted for the exclusive use of the residents and visitors, respectively, of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (x) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$8,100) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section 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);*
- (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xii) *a detailed landscaping plan, including a list of plant, the replacement of the on-site Jacaranda tree as recommended by Charles Aldous-Ball Arboriculturist Report dated 14 July 2004 and the landscaping and reticulation of the Fitzgerald Street and Raglan Road verges 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);*
- (xiii) *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";*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the continuous and complementary awnings being provided over the future Fitzgerald Street footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Street, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the future kerb line of Fitzgerald Street;*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xv) *the maximum floor space for the office use shall be limited to 272 square metres of gross floor area, unless adequate car parking is provided for the changes in floor area use or floor space area;*

- (xvi) *prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works when the Fitzgerald Street Other Regional Roads reserve is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xvii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the kitchen window(s) to unit 1 on the first floor level, on the western elevation, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject window(s) not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (xviii) *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;*
- (xix) *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;*
- (xx) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Fitzgerald Street, Raglan Road and the rear right of way, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*
- (xxi) *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 with home offices that:*
- 'the home office component of the dwelling cannot be used for habitable purposes (such as a bedroom)';*

to the satisfaction of the Chief Executive Officer.

ADDITIONAL INFORMATION:

The height of the proposed northern boundary 'colorbond' fence is to be 1.6 metres above any retaining required. The overall height of the building when viewed from the north is 7 metres with some incidental design elements, which are unlikely to be visible from this north side. The North Perth Centre Precinct Policy states that setbacks to adjoining residential uses should be landscaped to provide some form of buffer. In this instance, the adjoining northern property, while still a residential dwelling at the moment, is most likely to be developed as a commercial development, with "nil" side setbacks, given the Commercial zoning of that property. Within the Commercial zoned area, development with "nil" side setbacks will achieve the objective of a continuous interactive frontage with the street. If this is not obtained via this proposal, the Town may lose this opportunity. Developments with "nil" side setbacks are already prevalent in this Commercial zoned area on the opposite side of Fitzgerald Street. The "nil" side setbacks proposed are therefore considered appropriate in this instance.

The maximum wall height of the main northern wall is 6.8 and 7 metres, respectively, and the incidental architectural design features are 7.5 metres and 8.3 metres, respectively, from the northern and southern boundaries.

Landowner:	BM and LJ Arnold Family Trust & The Sluchniak Family Trust
Applicant:	Bruce Arnold Architects
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Roads Reservation Town Planning Scheme No.1: Commercial and Other Regional Roads Reservation
Existing Land Use:	Single house
Use Class:	Office Building and (Single Bedroom) Multiple Dwelling and Grouped Dwelling (and Associated Home Studio (Home Office))
Use Classification:	"P,AA"
Lot Area:	693 square metres
Access to Right of Way	Western side, 4 metres wide, sealed and privately owned

BACKGROUND:

The above proposal was considered at the Ordinary Meeting of Council on 9 November 2004, where the demolition of the existing house on the above site was conditionally approved, but the construction of a two-storey mixed use development comprising two (2) offices, four (4) single bedroom dwellings, and two (2) two-storey single bedroom dwellings with associated home studio (home office) was refused for the following reasons.

- "(a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) the non-compliance with setbacks, density, stores and building height requirements of the Residential Design Codes and the Town's North Perth Precinct Policy;*
- (c) consideration of the objection received; and*
- (d) the adverse effect on the amenity of the neighbour."*

DETAILS:

The current proposal is very similar to the proposal considered by Council at its Ordinary Meeting on 9 November 2004, with additional notes and information indicated on the submitted plans for clarity. The applicant has submitted a comprehensive submission in response to the previous refusal reasons, which has been circulated individually to all Elected Members for consideration. A copy of the applicant's submission is "*Laid on the Table*".

The Officer Recommendation remains unchanged, except for the removal of non-planning related conditions.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 November 2004, in terms of the Report by the Town's Officers, which remains unchanged.

"ADDITIONAL INFORMATION:

Technical Services have no objection to the proposed crossovers off Raglan Road, as they comply with the relevant standards.

Additional details of the proposal are as follows:

- *The approximate floor areas for the studio for unit 1 is 28.1 square metres, and for unit 2 is 25.75 square metres.*
- *The floor area for the offices is 272 square metres. The total floor area for the office and the studio is 325.85 square metres.*
- *All the north facing balconies have a 1.8 metres high solid wall from the finished floor level.*
- *The side setback requirement for the northern side within a Commercial zone is "nil". The setback therefore complies for the ground and upper floors along the northern boundary.*
- *The northern parapet wall, which is 7.5 metres in height, is approximately 11.3 metres in length, with parts of the wall being 5.9 and 6.8 metres in height respectively.*
- *There are no hi-light windows on the northern elevation.*
- *The additional design elements are considered to be part of the roof structure.*

Details

The applicant's submission, which states that the tree removal is supported by the Town's Arboriculturist, is further clarified and corrected in that the Town does not have an Arboriculturist.

Charles Aldous-Ball is a consultant Arboriculturist and is contracted by the Town for specific tasks.

Setbacks

The variations are to the southern Raglan Road and eastern Fitzgerald Street boundaries only.

<i>Landowner:</i>	<i>J Karp</i>
<i>Applicant:</i>	<i>Bruce Arnold Architects</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban and Other Regional Roads Reservation Town Planning Scheme No.1: Commercial and Other Regional Roads Reservation</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Office Building and (Single Bedroom) Multiple Dwelling and Grouped Dwelling (and Associated Home Studio (Home Office))</i>
<i>Use Classification:</i>	<i>"P&AA"</i>
<i>Lot Area:</i>	<i>693 square metres</i>

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed*</i>
<i>Ground Floor-Front setback-Fitzgerald Street</i>	<i>Generally consistent with Building setback on adjoining land and immediate locality</i>	<i>3 metres</i>
<i>Upper Floor-Front setback-Fitzgerald Street</i>	<i>Generally consistent with Building setback on adjoining land and immediate locality</i>	<i>3 metres</i>
<i>Ground Floor-Setback-Raglan Road</i>	<i>Generally consistent with Building setback on adjoining land and immediate locality</i>	<i>Nil</i>
<i>Upper Floor-Setback-Raglan Road</i>	<i>Generally consistent with Building setback on adjoining land and immediate locality</i>	<i>Nil</i>
<i>Structure within Fitzgerald Street, Other Regional Roads Reservation</i>	<i>No structure allowed unless approval obtained from the Western Australian Planning Commission.</i>	<i>Steps proposed, within the Other Regional Roads Reservation</i>
<i>Plot Ratio</i>	<i>0.70 or 488 square metres</i>	<i>0.66 or 461 square metres.</i>
<i>Density</i>	<i>R 60-6.2 Single bedroom dwellings based on 2/3 land requirement of 1991 R Codes.</i>	<i>R60-6 Single bedroom dwellings</i>
<i>Store</i>	<i>1.5 metres wide and 4 square metres in area</i>	<i>1.0 metre wide and 2.3 square metres in area</i>
<i>Privacy Setback -Kitchen</i>	<i>6 metres(inclusive of right of way)</i>	<i>5.2 metres, inclusive of right of way to the western property boundary</i>
<i>Overall Height of Building</i>		
<i>-Northern elevation-Architectural features</i>	<i>7 metres</i>	<i>7.5 metres</i>
<i>-Southern elevation-Architectural features</i>	<i>7 metres</i>	<i>8.3 metres</i>
<i>On-site Tree on Town's Interim Significant Tree Database</i>	<i>Tree to be retained, unless approved by the Town</i>	<i>Tree to be removed and replaced with suitable species</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.*

DETAILS:

The applicant seeks approval for the proposed demolition of existing single house and outbuildings and construction of a two-storey mixed use development comprising two (2) offices, four (4) single bedroom dwellings and two (2) two-storey single bedroom dwellings with associated studio (home office). The total amount of office gross floor area proposed, excluding the home studio (home office), is 272 square metres.

The immediate adjacent lots to the north of the subject property along Fitzgerald Street are also zoned Commercial. The lot on the western side of the right of way (ROW) is zoned Residential. Vehicular access to the site is proposed of Raglan Road and the rear ROW, which is sealed, privately owned and 4 metres in width.

The applicant has provided a comprehensive submission (attached), in support of the proposal, which is summarised as follows, and also addresses the concerns raised in the submission from the adjoining landowners:

- *The site is ideally suited for a mixed use development, which is consistent with the Town's Policy for the North Perth Precinct.*
- *Car parking is provided in compliance with the Town's requirements.*
- *Agree with the Department for Planning and Infrastructure condition for the Deed of Agreement for the structure proposed within the Fitzgerald Road reserve.*
- *Setbacks comply with the North Perth Precinct requirements, which is a "nil" setback.*
- *Fixed obscure window is proposed for the kitchen to Unit1, and the rest of the development complies with the privacy requirements of the R Codes.*
- *The proposed stores are 2.3 square metres in lieu of 4 square metres. It appears unreasonable to require store 4 square metres in area, for a 60 square metres residential dwellings. Moreover the R Codes state that "high provisions or standards for mixed-use development should not be imposed".*
- *Heights of wall comply. The additional height is due to the incidental elements, which are setback between 0.1 to 2 metres. They are not dominating and add to the visual interest to the building. These elements should not be added for the calculation of height.*
- *Proposal complies with the plot ratio of 0.7 applying to the site.*
- *There is no direct loss of sunlight to the adjoining lot to the north, only natural light. The proposal is moreover 2 storey in height.*
- *A continuous awning along Fitzgerald Street has not been proposed, as the current building will not abut the existing footpath, and if the road widening did occur, it would not occur in the foreseeable future, and the balcony if required will be sheltering a landscaped area.*
- *The land is zoned Commercial, and is being developed as a mixed use development.*
- *Health, Engineering and Building concerns can be adequately addressed at Building Licence stage.*
- *The removal of the tree listed in Town of Vincent Interim Significant Tree Database has been supported by the Town's arboriculturist, Charles Aldous -Ball (attached).*

CONSULTATION/ADVERTISING:

The revised proposal has also been referred to the Department for Planning and Infrastructure (DPI) due to the Other Regional Roads (ORR) requirements, access off Fitzgerald Street, awnings and steps within the ORR. The DPI has supported the proposal, subject to the applicant/owner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC for any loss, damage or expense incurred for the removal of the approved works within the ORR, when the road widening is required.

In accordance with the Town's Community Consultation Policy, the proposal was advertised for a period of 14 days, with one submission (objection) being received. The concerns raised in the submission is summarised as follows:

- Proposal represents a gross overdevelopment of the site that will destroy the amenity of the adjoining lot and the general area.*
- Non-compliant with the required setbacks. Existing setback should be maintained along Fitzgerald Street, and not be allowed to go beyond the current setback alignment.*
- Objection to the 7.5 metres boundary wall, along the length of the common boundary, as there are windows to the living areas facing the south. The wall will severely affect the amount of natural sunlight into the living areas.*
- Owners have been living at the adjoining property for 48 years and believe that they are entitled to reasonable treatment in terms of the intrusive overdevelopment of the subject site.*
- Development is to extract maximum profit, with little regard to existing legislation, or amenity of the area or impact on the adjoining lot. Council is encouraged to refuse the above proposal.*

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes (R Codes).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

A detailed heritage assessment of the existing place is contained as an attachment to this report.

The subject dwelling is dated circa 1915 and represents a part of the building stock built during the First World War period of 1914 to 1918. The façade was altered in circa 1940, changing the elements of the original façade. The dwelling is constructed from brick and is roofed with corrugated iron. The interior features and fittings are intact. While original features such as leadlight windows, fireplaces, low waisted four panel doors and power switches 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 some aesthetic, though little 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.

Significant Tree

The report submitted by Arboriculturist Charles Aldous-Ball (attached) in summary supports the removal of the semi-mature Jacaranda mimosifolia. The tree was not a risk factor," but future incremental growth will result in structural damage and failure to the wall to the southern limestone brick wall. The tree is listed on the List 2, based upon its visual prominence within the streetscape."

The location of the tree from the southern and western boundaries and being a relatively young tree will result in structural damage to any proposed static structure, within close proximity to the tree. The removal of the tree in the Arboriculturist's opinion "would not detract away from the aesthetic value of the streetscape, it would be advisable that the tree be replaced with an alternative species to sustain the aesthetic value of the streetscape. The types of trees recommended are Largerstroemia indica Biloxi (Crepe Myrtle), Largerstroemia indica Tonto (Crepe Myrtle) and Pyrus calleryana Bradford (White Flowering Chinese Pear)."

The criteria for the above recommendation by Charles Aldous-Ball are based on the existing condition of the tree and age of tree, the location of the tree from the boundary, extent of structural damage due to root action, future growth potential, and its aesthetic quality and amenity that the tree contributes to the streetscape.

The Town's Parks Officers concur with the recommendation in the arboricultural report undertaken by Charles Aldous-Ball, regarding the removal and replacement of the Jacaranda tree located at No. 367 Fitzgerald Street North Perth.

Charles Aldous-Ball suggested three (3) replacement tree species as a replacement for the tree to be removed, which would be a more compatible planting within the redevelopment of this property.

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for grouped and multiple dwellings from the Residential Design Codes (R Codes). The residential component requires 6 car bays, inclusive of 1 visitor car bay. It is considered appropriate that a minimum of 1 car bay is made available for visitors use, which is to be marked and sign posted on-site accordingly, even though there would be the potential availability of after hours additional car bays set aside for the commercial tenancies.

A total of 14 car bays have been provided for the entire development. A total of 8 of the 14 car bays are proposed for the residential dwellings, therefore resulting in 6 car bays available for the commercial component.

Commercial Car Parking

<i>Requirements</i>	<i>Required No. of Car Bays</i>
<i>Office: 1 car bay per 50 square metres gross floor area (proposed 272 square metres).</i>	<i>5.44 car bays</i>
<i>Total car parking required before adjustment factor (nearest whole number)</i>	<i>5 car bays</i>
<i>Apply the parking adjustment factors.</i>	
<ul style="list-style-type: none"> ▪ <i>0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</i> ▪ <i>0.85 (within 400 metres of a bus stop)</i> 	<i>(0.68)</i>
<i>Car parking provided on-site for commercial component</i>	<i>6 car bays</i>
<i>Resultant surplus</i>	<i>2.6 car bays</i>

Bicycle Parking Facilities

<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Office 1 per 200 (proposed 272) square metres public area for employees (class 1 or 2).</i>	<i>1.36 spaces</i>	<i>No bicycle parking shown on plans</i>

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of one (1) class 1 or 2 space. As such, an appropriate condition should be applied accordingly.

No end of trip facilities is required pursuant to the Town's Policy relating to Parking and Access.

Height

The Town's Policy relating to the North Perth Centre Precinct - Building Height permits a height of 2 storeys, including a loft. In this instance, the incidental design element structures associated with the mixed use development are considered acceptable, even though its overall height is higher at 7.5 metres and 8.3 metres. The maximum height for the northern wall is 6.8 metres and 7 metres on the southern side. The wall heights which were advertised inadvertently included the heights of the incidental design element structures, which were set on top of the building and not attached to the side walls. As such, the wall height is within the 7 metres height limit and considered acceptable. On the above grounds, the height variations are considered acceptable in the context of the height and scale of the development.

Setbacks

The applicants have sought front and side setback variations to the northern and eastern sides. The reduced setbacks do not result in any undue overshadowing issues.

The variations are considered acceptable in that it will allow the buildings to address the streets and reinforce the traditional relationship of the development to the street, which includes a "nil" setback to the corner of Fitzgerald Street and Raglan Road. The setbacks are consistent with the requirements of the North Perth Precinct.

In light of the above, the proposal is not considered to create an undue adverse effect on the adjoining neighbours and the streetscape, and the setback variations are supported.

Store

The variation to the depth and size of some the stores is considered acceptable as the proposed development forms part of a mixed use development where the needs of the residents would not be as great as compared to residents/occupiers within a solely residential development. The R Codes explanatory notes further state that provisions or standards for mixed developments should not seek to impose too "high" standard so as to discourage the concept of mixed use development. The reduction in the size of the stores is considered not to be detrimental to the amenity of the locality or the occupiers of the development.

Awnings and Steps

The applicant also proposes an awning within the front setback area for the entrance to the building along Fitzgerald Street. The extent of awning proposed is considered inadequate in this instance. This awning should be extended along the whole Fitzgerald Street frontage, which is considered to enhance and contribute positively to the streetscape and pedestrian environment. As such, an appropriate condition should be applied accordingly.

Open Space

The R Codes require each multiple dwelling in a mixed use development to be provided with a balcony area of 4 square metres, and open space can be reduced to "nil" in mixed use developments. The proposal complies with these mixed use development requirements of the R Codes.

Overshadowing

The revised plan submitted complies with the solar access requirements as indicated in the Residential Design Codes, with most of the shadowing over the lot to the south and Raglan Road.

Traffic and Access

Three new crossovers are proposed off Raglan Road, including an access off the rear ROW. The Town's Technical Services have no objection to the proposed access points, including the loss of street car bays, as the loss in car bays is unlikely to result in an adverse shortfall of on-street car parking in the immediate area.

Health and Building Services

The Town's Health Services have advised that it is satisfied with the location of the residential and commercial bin storage area as shown on the submitted plans.

Building matters such as exits and fire related matters under the Building Code of Australia, can be addressed at the Building Licence stage.

Summary

The majority of the variations are considered to adequately address the relevant performance criteria in the R Codes. The Town's Officers generally concur with the response from the applicant in relation to the concerns raised by the adjoining landowners to the north. The R Codes were developed to be performance based, and to allow a flexible approach to development, if the applicants can demonstrate that the proposal meets the relevant performance criteria under each section of the R Codes. The R Codes were not developed to restrict development to comply solely with the acceptable development requirements. The main issues raised in terms of privacy have been adequately addressed by way of screening to prevent overlooking.

The proposal in an area zoned 'Commercial', is supported as it is not considered to unreasonably affect the amenity of the adjacent or surrounding properties. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development."

10.1.9 No(s). 470 & 472 (Lot(s) 8 & 9) William Street, Perth - Proposed Alterations and Additions to Existing Light Industry Premises and Change of Use to Unlisted Use - Art Gallery, Single Bedroom Dwelling and Eating House

Ward:	South	Date:	29 November 2004
Precinct:	Hyde Park; P12	File Ref:	PRO2151; 00/33/2461
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 Brian Klopper Architect on behalf of HL Morgan on behalf of the owners V & G Peter for proposed alterations and additions to existing light industry premises and change of use to unlisted use - art gallery, single bedroom dwelling and eating house, at No(s). 470 & 472 (Lot(s) 8 & 9) William Street, Perth, and as shown on amended plans stamp-dated 24 November 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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);*
- (iii) 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;*
- (iv) subject to first obtaining the consent of the owners of Nos. 464 -466 and No. 474 William Street, No. 155 Bulwer Street and Nos. 33, 35 and 37 Wade Street and for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 464 -466 and No. 474 William Street, No. 155 Bulwer Street and Nos. 33, 35 and 37 Wade Street in a good and clean condition;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating an awning being provided along the William Street frontage where the main building abuts the footpath. The awning being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of William Street. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*

- (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);*
- (vii) *all front fences and gates shall comply with the Town's Policy relating to Front Walls and Fences, and full details shall be submitted and approved prior to the erection of such fences and gates;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *prior to the first occupation of the development, the car parking space provided for the residential component of the development, being 1 car bay, shall be clearly marked and signposted for the exclusive use of the resident of the subject unit/dwelling and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (x) *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 \$6,300.00 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;*
- (xi) *the floor areas shall be limited to;*
 - (a) *324 square metres of gross floor area for the art gallery component;*
 - (b) *46.76 square metres of public area for the eating house component; and*
 - (c) *60 square metres of plot ratio floor area for the residential component;**an 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;*
- (xii) *the applicant/owner shall pay a cash-in-lieu contribution of \$8,900 for the equivalent value of 3.56 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (xiii) *doors and windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street; and*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Lake

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

"(xv) the roller shutters to the coffee shop, kitchen, reception, and consignment areas on the western elevation shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street. Any additional roller shutters, roller doors and the like shall be subject to a separate planning application being submitted to and approved by the Town prior to the installation of such structures;"

Debate ensued.

Moved Cr Chester, Seconded Cr Cohen

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

Debate ensued.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.9

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 Architect on behalf of HL Morgan on behalf of the owners V & G Peter for proposed alterations and additions to existing light industry premises and change of use to unlisted use - art gallery, single bedroom dwelling and eating house, at No(s). 470 & 472 (Lot(s) 8 & 9) William Street, Perth, and as shown on amended plans stamp-dated 24 November 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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);*
- (iii) 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;*
- (iv) subject to first obtaining the consent of the owners of Nos. 464 -466 and No. 474 William Street, No. 155 Bulwer Street and Nos. 33, 35 and 37 Wade Street and for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 464 -466 and No. 474 William Street, No. 155 Bulwer Street and Nos. 33, 35 and 37 Wade Street in a good and clean condition;*

- (v) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) *all front fences and gates shall comply with the Town's Policy relating to Front Walls and Fences, and full details shall be submitted and approved prior to the erection of such fences and gates;*
- (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) *prior to the first occupation of the development, the car parking space provided for the residential component of the development, being 1 car bay, shall be clearly marked and signposted for the exclusive use of the resident of the subject unit/dwelling and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (ix) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$6,300.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (x) *the floor areas shall be limited to;*
 - (a) *324 square metres of gross floor area for the art gallery component;*
 - (b) *46.76 square metres of public area for the eating house component; and*
 - (c) *60 square metres of plot ratio floor area for the residential component;**an 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;*
- (xi) *the applicant/owner shall pay a cash-in-lieu contribution of \$8,900 for the equivalent value of 3.56 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (xii) *doors and windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (xiii) *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*

(xv) *the roller shutters to the coffee shop, kitchen, reception, and consignment areas on the western elevation shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street. Any additional roller shutters, roller doors and the like shall be subject to a separate planning application being submitted to and approved by the Town prior to the installation of such structures;"*
to the satisfaction of the Chief Executive Officer.

Landowner:	V & G Peter
Applicant:	Brian Klopper Architect on behalf of HL Morgan
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Light Industry
Use Class:	Unlisted Use - Art Gallery, Single House and Eating House
Use Classification:	"SA", "P" and "P"
Lot Area:	1022 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to existing light industry premises and change of use to unlisted use - art gallery, single house and eating house. The applicant proposes to convert the existing light industry site into mixed use building combining an art gallery, coffee shop and studio residence for travelling artists. 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
Car Parking	18 car bays	9 car bays	Supported – refer to car parking calculation below and cash-in-lieu condition
Hyde Park Precinct: Commercial Area	Car parking should be located underground or at the rear of properties	Car parking located within front setback	Supported - location of existing building
Consultation Submissions			
Support	<ul style="list-style-type: none"> No land requirements for "Other Regional Road" as determined by the Department for Planning and Infrastructure 		Supported
Objection	<ul style="list-style-type: none"> Parapet walls to be appropriately finished on neighbours side 		Supported – refer to boundary wall finish condition

Other Implications			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
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) - Eating house - 10.39 bays - Art gallery - 6.48 bays (Single bedroom dwelling - 1 bay)			17 car bays for commercial component
Apply the adjustment factors ▪ 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) 11.56 car bays
Minus car parking on site (10 bays shown, one car bay for single bedroom dwelling and one car bay non-compliant with standards)			8 car bays
Minus the most recently approved on site parking shortfall			N/A
Resultant shortfall			3.56 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:

It is noted the proposal was advertised for a period of 21 days in accordance with the Town's "SA" advertising requirements. In considering the proposed car parking shortfall, the Town's Officers support the provision of a cash-in-lieu contribution of \$8,900.

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

10.1.19 Further Report - No. 141 (Lot 6) Scarborough Beach Road, Corner Fairfield Street (Paddington Ale House), Mount Hawthorn – Proposed Increase in Accommodation/Patronage Numbers at Existing Hotel

Ward:	North	Date:	1 December 2004
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO1137; 00/33/1828
Attachments:	001		
Reporting Officer(s):	D Brits, J Maclean, C Wilson		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that nearby residents and businesses were notified by letterbox drop on 25 November 2004 of the application to increase patronage from the current 400 with a further 200 in accordance with the amended provisions of the Health (Public Building) Regulations 1992;*
- (ii) *NOTES that thirteen (13) subsequent comments were received;*
- (iii) *NOTES that not only the Town but also the WA Police Service, Department of Racing, Gaming and Liquor, and the State's Alcohol and Drug Unit are role-players concerning Liquor Licensing and public anti-social behaviour matters;*
- (iv) *RECEIVES the requested additional and updated information received on 17 November 2004:*
 - (a) *"Paddington Alehouse Parking Submission";*
 - (b) *"Paddington Alehouse - Patron Parking Management Plan";*
 - (c) *"Paddington Alehouse - Harm Minimisation and Management Plan";*
 - (d) *"Paddington Alehouse - House Management Policy"; and*
 - (e) *"Paddington Alehouse - Code of Conduct";*

as "Laid on the Table";
- (v) *CONDITIONALLY APPROVES in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by N Randall on behalf of the owner A Swanson for proposed increase in accommodation / patronage numbers at existing hotel on No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, and as shown on the plans stamp dated 22 September 2003, subject to:*
 - (a) *a CONDITIONAL INCREMENTAL INCREASE of fifty (50) additional patrons every six (6) months from the existing 400 to potentially a maximum of 600, subject to review and support from the Chief Executive Officer after each six monthly performance assessment of the number of formal complaints and other relevant information regarding community impact, however Council retains the right to review the incremental increase in totality within the first 24-month period should justified matters regarding detrimental community impact be reported;*
 - (b) *compliance with the Management Plans detailed under clause (iv);*

- (c) *two (2) A-frame signs shall be provided and maintained by the applicant on both sides of Fairfield Street, south of Scarborough Beach Road at the applicant's expense, licensing and public liability cover, that displays the following information to the satisfaction of the Chief Executive Officer: "PARKING WARNING - Fairfield Street is time and residential use restricted at all times. Infringements up to \$85. Alternative parking site information available at Paddington Alehouse. Thank you";*
- (d) *ongoing compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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; and*
- (f) *the hotel management submit a revised Parking Management Plan should access to the Mount Hawthorn Plaza Shopping Centre car park become unavailable;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Cr Torre departed the Chamber at 7.57pm.

Cr Ker opened the discussion and spoke on the matter.

Cr Torre returned to the Chamber at 8.01pm.

The Chief Executive Officer advise that Cr Ker had spoken for 5 minutes.

At 8.02pm Moved Cr Chester, Seconded Cr Lake

That Cr Ker be permitted to continue to speak for a further 5 minutes maximum.

CARRIED (9-0)

Debate ensued.

Cr Chester departed the Chamber at 8.10pm.

Cr Chester returned to the Chamber at 8.11pm.

Moved Cr Ker, Seconded Cr Lake

That clause (v)(a) be amended and new clauses (v)(g) and (vi) be added as follows:

"(v)(a) a ~~CONDITIONAL INCREMENTAL INCREASE~~ of seventy (70) additional patrons every ~~six (6) months from~~ to the existing 400 to potentially a maximum of 600-470, subject to review and support from the Chief Executive Officer, a two week consultation period and a report to Council after each six ~~monthly~~ months and 12 months performance assessment of the number of formal complaints and other relevant information regarding community impact; ~~however Council retains the right to review the incremental increase in totality within the first 24-month period should justified matters regarding detrimental community impact be reported;~~

- (v)(g) *prior to the additional 70 patrons being approved by the Director Liquor Licensing, the applicant/owner shall pay a cash-in-lieu contribution of \$25,200 for shortfall of 10.08 car bays based on the cost of \$2500 per bay as set out in the Town's 2004/2005 Budget.*
- (vi) *ADVISES the applicant that the Council is not prepared to consider any further increase in patron numbers above 470, on the grounds that it is inconsistent with the Council's decision of 27 April 1999, most specifically condition (ix) that formed part of that decision;"*

Debate ensued.

Mayor Catania ruled that the amendment would be dealt with in three parts.

Amendment to Clause (v)(a) was put.

AMENDMENT TO CLAUSE (v)(a) CARRIED (9-0)

New Clause (v)(g) was put.

Debate ensued.

Moved Cr Torre, Seconded Cr

That the proposed new clause (v)(g) be amended as follows

"(v)(g) prior to the additional 70 patrons being approved by the Director Liquor Licensing, the applicant/owner shall pay a cash-in-lieu contribution of \$25,200 for shortfall of 10.08 car bays based on the cost of \$2500 per bay as set out in the Town's 2004/2005 Budget hotel management submit a revised parking management plan should access to the mount hawthorn plaza shopping centre carpark become available that failing provision of suitable parking at that time a cash-in-lieu contribution reflective of the parking shortfall be put in place;

Debate ensued.

**AMENDMENT TO NEW CLAUSE (v)(g)
LAPSED FOR WANT OF A SECONDER**

CLAUSE (v)(g) CARRIED (9-0)

New Clause (vi) was put.

Debate ensued.

There was discussion about the validity of the proposed new clause.

Mayor Catania ruled that he would not allow the proposed new clause as it would bind future Council.

Cr Ker raised a "point of order" to disagree with this ruling. The Presiding Member discussed the "point of order".

Moved Cr Chester, Seconded Cr Lake

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

"(vi) ADVISES the applicant that the Council has based this decision to not consider any further increase in patron numbers above 470 on the grounds that it is inconsistent with the Council's decision of 27 April 1999, most specifically condition (ix), that formed part of that decision."

Debate ensued.

NEW CLAUSE (vi) CARRIED (7-2)

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

Moved Cr Doran-Wu, Seconded Cr Farrell

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

"(vii) CONSIDERS the viability of a precinct street cleaning taskforce for inclusion in the 2005/06 Budget and that a report to Council be submitted for the second meeting in March 2005."

Debate ensued.

AMENDMENT CARRIED (9-0)

Moved Cr Chester, Seconded Cr Lake

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

"(v)(h) visibly identifiable security/crowd controllers shall conduct external surveillance to manage patron behaviour as they arrive and leave the hotel on busy and weekend nights to the satisfaction of the Director Liquor Licensing and the Town;"

Debate ensued.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

The Presiding Member advised that as there had been significant changes made to the recommendation, reasons must be stated.

Reasons:

1. Consideration of complaints received by the public.
2. Increase in the intensity of use.
3. Impact on the local area.
4. No additional parking proposed with the increase in numbers.
5. Previous acceptance of no increase in numbers for the additional floor area with reference to the Council's Decision of 27 April 1999.
6. No formal agreement for additional parking.

COUNCIL DECISION ITEM 10.1.19

That the Council;

- (i) *NOTES that nearby residents and businesses were notified by letterbox drop on 25 November 2004 of the application to increase patronage from the current 400 with a further 200 in accordance with the amended provisions of the Health (Public Building) Regulations 1992;*
- (ii) *NOTES that thirteen (13) subsequent comments were received;*
- (iii) *NOTES that not only the Town but also the WA Police Service, Department of Racing, Gaming and Liquor, and the State's Alcohol and Drug Unit are role-players concerning Liquor Licensing and public anti-social behaviour matters;*
- (iv) *RECEIVES the requested additional and updated information received on 17 November 2004:*
 - (a) *"Paddington Alehouse Parking Submission";*
 - (b) *"Paddington Alehouse - Patron Parking Management Plan";*
 - (c) *"Paddington Alehouse - Harm Minimisation and Management Plan";*
 - (d) *"Paddington Alehouse - House Management Policy"; and*
 - (e) *"Paddington Alehouse - Code of Conduct";**as "Laid on the Table";*
- (v) *CONDITIONALLY APPROVES in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by N Randall on behalf of the owner A Swanson for proposed increase in accommodation / patronage numbers at existing hotel on No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, and as shown on the plans stamp dated 22 September 2003, subject to:*
 - (a) *a CONDITIONAL INCREASE of seventy (70) additional patrons to the existing 400 to a maximum of 470, subject to review and support from the Chief Executive Officer, a two week consultation period and a report to Council after six months and 12 months performance assessment of the number of formal complaints and other relevant information regarding community impact;*
 - (b) *compliance with the Management Plans detailed under clause (iv);*

- (c) *two (2) A-frame signs shall be provided and maintained by the applicant on both sides of Fairfield Street, south of Scarborough Beach Road at the applicant's expense, licensing and public liability cover, that displays the following information to the satisfaction of the Chief Executive Officer: "PARKING WARNING - Fairfield Street is time and residential use restricted at all times. Infringements up to \$85. Alternative parking site information available at Paddington Alehouse. Thank you";*
 - (d) *ongoing compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (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) *the hotel management submit a revised Parking Management Plan should access to the Mount Hawthorn Plaza Shopping Centre car park become unavailable;*
 - (g) *prior to the additional 70 patrons being approved by the Director Liquor Licensing, the applicant/owner shall pay a cash-in-lieu contribution of \$25,200 for shortfall of 10.08 car bays based on the cost of \$2500 per bay as set out in the Town's 2004/2005 Budget; and*
 - (h) *visibly identifiable security/crowd controllers shall conduct external surveillance to manage patron behaviour as they arrive and leave the hotel on busy and weekend nights to the satisfaction of the Director Liquor Licensing and the Town;*
- to the satisfaction of the Chief Executive Officer;*
- (vi) *ADVISES the applicant that the Council has based this decision to not consider any further increase in patron numbers above 470 on the grounds that it is inconsistent with the Council's decision of 27 April 1999, most specifically condition (ix), that formed part of that decision; and*
 - (vii) *CONSIDERS the viability of a precinct street cleaning taskforce for inclusion in the 2005/06 Budget and that a report to Council be submitted for the second meeting in March 2005.*

ADDITIONAL INFORMATION:

Car Parking

The car parking requirements based on the recently amended Town's Policy relating to Parking and Access in terms of public floor area is as follows:

Table (A)

Use	Method of calculation	No. car bays required
Tavern / dining area / alfresco area / beer garden / deck area	1 space for every 3.8 square metres of public floor area (574 square metre)	151.05 car bays, based on public floor area
Hotel	1 space per bedroom (no changes)	24 car bays

Use	Method of calculation	No. car bays required
NO. CAR BAYS REQUIRED (nearest whole number)		175 car bays
Adjustment factor to be used is as follows: <ul style="list-style-type: none"> • 0.85 (within 400 metres to a bus stop) • 0.85 (within 400 metres of one or more public car parks) • 0.9 (proposed development is within a District Centre) 		(0.65) 113.75 car bays
NO. CAR BAYS PROVIDED		13 car bays
Minus the car parking shortfall currently applying to site (after taking into account relevant adjustment factors) i.e. 175 car bays x 0.65 = 113.75 car bays Previously, 13 car bays provided for commercial component, resulting in an existing shortfall of 100.75carbays		100.75 car bays
TOTAL SHORTFALL/SURPLUS		Nil

The car parking requirements based on the recently amended Town's Policy Relating to Parking and Access in terms of number of patrons is as follows:

Table (B)

Use	Method of calculation	No. car bays required
Tavern / dining area / alfresco area / beer garden / deck area	1 space per 4.5 persons of maximum number of persons approved for the site (600 persons)	133.33 car bays
Hotel	1 space per bedroom (no changes)	24 car bays
NO. CAR BAYS REQUIRED (nearest whole number)		157 car bays
Adjustment factor to be used is as follows: <ul style="list-style-type: none"> • 0.85 (within 400 metres to a bus stop) • 0.85 (within 400 metres of one or more public car parks) • 0.9 (proposed development is within a District Centre) 		(0.65) 102.05 car bays
NO. CAR BAYS PROVIDED		13 car bays
Minus the car parking shortfall currently applying to site (after taking into account relevant adjustment factors) i.e. 400 patrons at 1 car bay per 4.5 patrons(88.89 car bays) + hotel (24 car bays)= 112.89 car bays 112.89 car bays x 0.65 = 73.38 car bays Previously, 13 car bays provided for commercial component, resulting in an existing shortfall of 60.38carbays		60.38 car bays
TOTAL SHORTFALL		28.67 car bays

The car parking for this proposal is greater based on public floor area (total 175 car bays), compared to based on number of persons (157 car bays). In terms of total floor public area, this has not been increased and remains status quo. **On the above basis, the car parking applying to the above site should be based on Table (B).**

In terms of the request from Councillor Ian Ker for the cash-in-lieu payment for the 15.5 car bays shortfall, after using the adjustment factor of 0.65, the car bays shortfall is 10.08 car bays.

In terms of the car parking arrangement between the Paddington Ale House and the Mount Hawthorn Shopping Centre, this is an informal private agreement between both parties. This type of informal arrangement can cease to operate at any time if the affected parties chose to do so as there is no formal agreement drawn up which would have included the Town as an interested party. In terms of the parking condition relating to the Chutney Mary's proposal, which was to be located at No. 497 Beaufort Street, corner Mary Street, Mount Lawley, which has been raised by Councillor Simon Chester, the site did not have any car parking and had to rely solely on the provision of car parking on another lot. To secure the car parking on another lot, a formal agreement between the parties concerned, including the Town, will be required in such circumstances.

In relation to a Section 117 Complaint, it is understood that one resident has lodged such a complaint with the Department of Racing, Gaming and Liquor. A Section 117 Complaint is a completed prescribed form lodged with the Director Liquor Licensing in relation to noise or disturbances regarding a Liquor Licensed premises. The implications are unknown regarding this particular complaint as the complaint has to be investigated, supported or dismissed by the Department of Racing, Gaming and Liquor. Should a link be established/proven between a member/s of the public misbehaving outside the licensed premises and the said premises, an option may be for the Director Liquor Licensing to issue a reprimand to the owners/operators of the premises or review a particular operational condition. The word "*monitoring*" was previously mentioned as the outcome is uncertain and may be challenged. However, should the Director Liquor Licensing be convinced that action is necessary, the Director may advise the Town and Police Service accordingly. In any case, should the increase be conditionally approved, future reviews are considered inescapable as recommended.

On 7 December 2004, an Elected Member advised: *"I am concerned that while the Hotel staff are endeavoring to fulfill their obligations, people are still approaching me complaining about broken glass and having to carry dogs around it etcetera. I would be much interested in what street cleaning methods other Councils have in areas of entertainment. Do you have any information?"* Technical Services advised that litter around the Paddington Alehouse is generally not a bigger problem than other similar establishments within the Town. The footpath and street are swept every second day during the working week and no street cleaning works are undertaken over the weekend.

Contact was made with relevant Managers at the Towns of Claremont and Cottesloe in relation to busy night venues and litter and external patron behaviour. Claremont advised that by general agreement two crowd controllers conduct an external patrol from time to time, but in particular after closing to move patrons on and collect attributable litter. At around 6.00pm, a Sanitation staff member normally conducts a drive-by at the busiest night venue to monitor if clean-up is satisfactory. Cottesloe has a similar approach to the Town, that is, to request clean-ups after events in the immediate vicinity and collect any additional litter observed. Neither Town charges additional fees in this regard as it may lead to a legal dispute.

In addition, the Acting Executive Manager Technical Services has advised that Technical Services is currently investigating the feasibility of establishing a dedicated precinct cleaning crew, who would be entrusted with the task of ensuring that entertainment and retail precincts are maintained in a clean and orderly manner. The City of Perth has such a night cleaning crew. It is proposed, that if the unit is deemed viable, to seek Council's endorsement in 2005 with a view to providing the necessary resources in the 2005/06 Budget.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 23 November 2004, considered the subject proposal and resolved to defer the item in order for nearby residents and businesses to be notified of the application.

Subsequently, a letterbox drop was conducted by the Town's Rangers on 25 November 2004 and the letter notified as follows:

"The Town has received an application from the Paddington Alehouse to increase its patronage and maximum accommodation numbers in accordance with the provisions of the Health (Public Building) Regulations 1992.

On 17 November 2004, the following documentation was received in support of the application:

- *Paddington Alehouse - Parking Submission;*
- *Paddington Alehouse - Patron Parking Management Plan;*
- *Paddington Alehouse - Harm Minimisation and Management Plan;*
- *Paddington Alehouse - House Management Policy; and*
- *Paddington Alehouse - Code of Conduct.*

On 22 November 2004, the Council considered the application and resolved to defer the matter to the next Council Meeting to be held on 7 December 2004, in order to notify nearby residents and businesses of the application to increase patronage by 200 to a maximum of 600. Should you have a query, a detailed report is available at the Administration and Civic Centre, the Library, on the Community Consultation page of the Town's website (www.vincent.wa.gov.au) or request a copy from the Town.

Written comment should be e-mailed to: mail@vincent.wa.gov.au or hand delivered no later than 4.00pm on Wednesday, 1 December 2004 in order for Officers to prepare the Council report. Any late submissions will be tabled at the Council Meeting on 7 December 2004.

In addition, feel free to attend the Council Meeting to be held on Tuesday, 7 December 2004 at 6.00pm in the Council Chambers on the first floor of the Administration and Civic Centre, when the matter will be further considered. You have the opportunity to address the Council on the matter, but this is limited to a maximum of three (3) minutes. Should you wish to speak on the item, you are required to be at the meeting by 6.00pm."

It is advised that thirteen (13) submissions were received as follows:

No.	Consultation Submissions	Officer Comments
Objection 1	<i>Litter - "...frequently have to clean up the sidewalk, front and back of my business after a busy night at the Paddo".</i>	Noted, however the Hotel does conduct litter patrols around the premises after closure. Litter in public places can be reported to the Technical Services.
(Business in Scarborough Beach Road)	<i>Lack of parking bays - "The lack of parking..."</i>	Supported and addressed via conditions in Officer Recommendation.

No.	Consultation Submissions	Officer Comments
	<p><i>Anti-social behaviour (public places) - "...drunk patrons, vomit in our parking lot...recent incident where four of our adjoining businesses had windows and/or doors kicked in."</i></p>	<p>This is primarily a Police matter and should be reported to the Police Service. Police does target this area with cooperation by Rangers from time to time. However, the Town in liaison with Police and Liquor Licensing also endeavour to address this matter in Management Plans. A burden of proof exists to link people in area directly with Hotel.</p>
	<p><i>General Comment - "We'd like to keep this area from becoming what Leederville (i.e. near the Leederville Pub) has become: a dirty, noisy unpleasant experience ... and an unattractive place for residents. If you're really interested in improving the area, keep the Paddo's numbers down and attract other restaurants into the area."</i></p>	<p>Not supported - Paddington Ale House was inspected at 10.00 pm on 28 October 2004 and only around 100 patrons were found in attendance. Full capacity events does not seem to be the norm. However, this aspect can be monitored by Police and Town. Hotel can maintain a log for inspection.</p>
<p>Objection 2 (Resides in Flinders Street)</p>	<p><i>Litter - "...bottles and furniture thrown in my front yard..."</i></p>	<p>Comment same as for Objection 1.</p>
	<p><i>Lack of parking bays - "Parking in Flinders Street gets more difficult each weekend from people at the pub."</i></p>	<p>Comment same as for Objection 1.</p>
	<p><i>Anti-social behaviour - "...and have had 2 pickets ripped off my back fence by people leaving the pub, my car aerial broken...drunken men (usually) leaving the pub...200 more drunks is expecting too much."</i></p>	<p>Comment same as for Objection 1.</p>
<p>Objection 3 (Mount Hawthorn Precinct Group)</p>	<p><i>Mount Hawthorn Precinct Group - At the general meeting of the Mount Hawthorn Precinct Group last night (1 Dec 2004) the group as a whole commended the Council on deferring this issue so that appropriate consultation could take place, and also expressed thanks to yourself (CEO) for allowing an extension on this submission.</i></p> <p><i>Although members of the group were not opposed to the hotel increasing numbers in the incremental manner being proposed it was strongly voiced that after each stage of the trial</i></p>	<p>Supported and the original 12-month period proposed is recommended for extension to 24-months.</p>

No.	Consultation Submissions	Officer Comments
	<p><i>period the residents in the area, especially those in Fairfield and Flinders Streets between Woodstock Street and Anzac Road, need to be consulted and allowed to have input into the ongoing implementation of this policy.</i></p>	
	<p><i>Residents also have reservations with regards a twelve month implementation period being conducted over the twelve months during which the shopping centre will most likely be being redeveloped, thus giving an artificial picture of what effect extra patrons will have on the area. Residents would also like, through the precinct group, to have an outline of the scope of the arrangement between the Paddington Alehouse and Hawaiian Management Group on the use of the car park at the Mount Hawthorn Plaza once the redevelopment work is complete.</i></p> <p><i>It was also noted at the meeting that the Licensee has provided extra security services above what is legally required as well as bar staff helping to clean the adjacent streets of any litter that may have originated from the hotel.</i></p> <p><i>He is to be commended for this and we would like council to impress upon the hotel the desirability of this initiative to be ongoing.</i></p>	
<p>Objection 4</p>	<p><i>Litter - "The mess is not always cleaned up by the Hotel staff and on occasions where my mother has asked the staff to help with cleaning up broken glass she has no attendance."</i></p>	<p>Comment same as for Objection 1.</p>
<p>(Resides in Lynmouth Road, Dianella - owner of Fairfield Street house)</p>	<p><i>Lack of parking bays - "Parking in Flinders Street gets more difficult each weekend from people at the pub."</i></p>	<p>Comment same as for Objection 1.</p>
	<p><i>Anti-social behaviour (lengthy submission by a non-resident property owner) - "I have been writing letters of complaint...anti-social behaviour to the various government authorities including the Town, and the Paddington Ale House...The local Police and the Alcohol and Drug Unit have also been (made) aware...I have (also) spoken with management of The Paddington Ale House...I have two young children who are subjected to this anti-social behaviour of watching people drink alcohol in front of their eyes on their front lawn...They leave their litter stubbies and glasses half full of alcohol for my children to play with and attempt to drink. They urinate constantly along the Fairfield Street area on my front garden down the side of my house, and they have twice left</i></p>	<p>Comment same as for Objection 1.</p>

No.	Consultation Submissions	Officer Comments
	<p><i>plastic shopping bags full of urine on my front lawn. The matter was reported to the Town of Vincent Rangers by phone and they are well aware of our problems. The area around the Commonwealth Bank, Transperth bus stops outside Nash House has an offensive smell. Overall the Scarborough Beach Road and Fairfield Street area constantly smells of stale urine. I have to dodge the vomit and glass on the footpaths along Scarborough Beach Road and Fairfield Street every time I decide to walk to the shops. This is also a very poor influence to the young residents and children living within the area whom must be subjected to seeing men urinating in front of them and illegally street drinking liquor. Residents are sick of ringing answering machines, to the Leederville Police and Council Rangers and if they do attend it is always too late and we have already been subjected to the anti-social behaviours. You would understand that the majority of our residents are elderly and many do not speak English well enough to make a complaint in writing or via phone."</i></p>	
	<p><i>Noise not amplified but human activities / anti-social behaviour - "Just this Friday and Saturday nights even after my complaints (two weeks ago) to The Paddington Ale House and the Department of Racing, Gaming & Liquor, several residents were awoken by numerous persons using loud & offensive language in there front garden...I have had no option but to submit a Section 117 complaint to the Department of Racing, Gaming and Liquor as a last resort "</i></p>	<p>Comment same as for Objection 1. The Section 117 complaint will also be investigated/mediated by the Director of Liquor Licensing and staff.</p>
	<p><i>Obstructing Signs - "If I decide to walk at night I must cross over Scarborough Beach Road, with two children and pregnant, because of The Paddington Ale House allows its patrons and ad signage to obstruct the common use footpath."</i></p>	<p>Rangers patrol this area every evening and their response to this comment is that they can confirm that a clear passage for pedestrians, approx 1.3 metres wide, is maintained by the Hotel, to enable people to pass by unimpeded. There have been two occasions, where the proprietor of the adjacent Bottle Shop, has been asked to remove advertising signage from the footpath, because of pedestrian obstruction.</p>

No.	Consultation Submissions	Officer Comments
		To be investigated by the Town's Law & Order Services.
Objection 5 (Resides in Coogee Street)	<i>Anti-social behaviour - "On many occasion do we wake up during the night because of the yelling of drunken people walking past our house. Our car has been broken into, eggs have been thrown at it, the original wall in the front garden has been damaged."</i>	Comment same as for Objection 1.
Objection 6 (Resides in Edinboro Street)	<i>Noise - "To date I can hear the music coming from the Oxford Hotel and from the Paddington Alehouse. I also find that the noise coming from in front of Piscoeneri where patrons tend to park as well as behind the Paddo and on the street can sometimes be quite frightening..."</i>	To be investigated and sound level readings taken by Environmental Health Officers at the customer's residence.
Objection 7 (Resides in Fairfield Street)	<i>Parking Issues - "An increase of 50% - 200 patrons is not acceptable to us. This trial should be deferred until the completion of the Mt Hawthorn Shopping Centre Car Park. as the 200 bays simply will not be available, whilst demolition of the car park is in progress. Where are Hotel patrons going to park? Considering the Southern side of Fairfield St is no parking, where do you propose the additional patrons will park their cars...if extended trading hours are approved for the Shopping Centre, this will compound the parking problem of availability to P/Alehouse patrons. In short these 200 bays that are being promoted may not be available in the future."</i>	Comment same as for Objection 1.
Objection 8 (Resides in Flinders Street)	<i>Parking - "We believe any increase in numbers of patrons accessing the Paddington Ale House will exacerbate parking problems and unruly behaviour particularly during the period of refurbishment of the Shopping Centre (MHSC)...To minimise the disruption to Mt Hawthorn residents when the refurbishment of the MHSC is completed, the upper level car park should be inaccessible to hotel patrons at night time."</i>	Comment same as for Objection 1.
Objection 9 (Resides in Flinders Street)	<i>Anti-social behaviour - "I am disturbed frequently at night...by people parking outside our house, fighting in the Street, we have had our back fence partially destroyed by drunken people leaving the Paddington, and walking down the back alley. We have had things thrown into our front yard, my car has been keyed and side swiped by someone leaving the Paddington and graffiti on our property."</i>	Comment same as for Objection 1.

No.	Consultation Submissions	Officer Comments
	<i>Parking - "On numerous occasions, I cannot park outside my house because the street is filled with cars, because of an event at the Paddington Alehouse."</i>	Comment same as for Objection 1.
Objection 10 (Resides in Faraday Street)	<i>Parking Issues - I think lack of parking will always be an issue that will cause residents strife. Maybe the Hotel can wait until the Mt Hawthorn Supermarket is upgraded and then resubmit his proposal. When the upgrade of the supermarket parking begins this will cause a lot more concern for residents as hotel patrons will have no where to park.</i>	Comment same as for Objection 1.
	<i>Litter - "This is not necessarily (only) a Paddo problem... I am not sure of the area that these businesses need to clean but there is always smashed glass on the footpaths for several blocks surrounding. The pavement close to them is clean but past that it is not. Vincent Council provides beautiful parks for families to walk their dogs in but getting to the parks without walking on glass is a big problem. If these establishments want to keep their businesses thriving then they need to keep the residents happy...There needs to be better control by security at these hotels so that patrons do not leave with bottles or glasses"</i>	
Objection 11 (Resides in Coogee Street)	<i>Anti-social behaviour - "In previous years it has not been unusual for patrons coming home at closing time every Friday or Saturday night and make a large amount of noise on their way home. This includes yells and screams and many wayward shopping trolleys careering down Coogee St and crashing into fences. I can only imagine what it's like for people who live in Fairfield Street. The level of noise appears to have dropped a little over the last couple of years, though this could just be a reluctant acclimatisation to the noise. However, it is still not unusual to have people making unwelcome noise on one or two Friday or Saturday nights per month. In other words, it's a problem, but not a huge one. Our concern is that any increase in patrons will make the problem worse. I would therefore be unwilling for approval to be granted."</i>	Comment same as for Objection 1.
Objection 12 (Resides in Fairfield Street)	<i>Parking Implications - "...object to certain aspects of parking submission. ...unfair that the trial period is going to be based on the use of the (Shopping Centre) car park that is going to be significantly different after the redevelopment..."</i>	Same as for Objection 3. (Recommended that 12-month trial period be extended to 24-months.)

No.	Consultation Submissions	Officer Comments
Objection 13 (Resides in Fairfield Street)	<i>Anti-social behaviour - "Already we have to suffer the noise of drunken passers-by at all hours of the night...trial period to be left until completion of renovations to the shopping centre car park..."</i>	Same as for above objections.

Note: Any late submissions will be tabled during the Meeting if practicable.

In addition, one anonymous telephone call was received on 30 November 2004. The person agreed to attend the Council Meeting and speak during public question time on the subject. Mention was made of need for additional Rangers.

Comment was also received from the Safer Vincent Coordinator advising that some Seniors during a recent Seniors Forum expressed a feeling of being unsafe on Saturday nights and New Year's Eve.

Parking Management Plan - Paddington Alehouse	Comments of Manager Law & Order Services (includes Ranger Services)
<i>"Council Car Park SB Road - 100 bays"</i>	There are no Town of Vincent Car Parks in Scarborough Beach Road and it is assumed that this is a reference to the 32 right-angled kerbside bays on the south side and approximately 24 bays on the north side of Hobart Street between Edinboro Street and the cul-de-sac adjacent to Fairfield Street (north), on the north side of Axford Park 9 (56 bays).
<i>"TAB - 30 bays"</i>	This appears to be the same location as "Council Car Park SB Road", above and may have been counted twice.
<i>"Mount Hawthorn SC - 200 bays"</i>	Depending on the size of the vehicles, it is thought that this car park could accommodate up 160-170 parked cars.
<i>"Oxford Street Car Par - 50 bays"</i>	There are 32 bays available in the Oxford Street Car Park.
<i>"Council Car Park Coogee Street - 50 bays"</i>	There are 51 bays available in this car park.
	There are no references to Flinders Street Car Park (at the rear of the Paddington Alehouse), although there are 30 bays available in this location.

On 22 November 2004, additional information was requested by an Elected Member as follows:

Question:

Can the bus pick up be relocated to Scarborough Beach Road rather than the rear of the (Mount Hawthorn Shopping Centre) plaza?

Comment:

The Town previously requested that the pick-up and set-down of patrons who traveled by bus be positioned to an appropriate area to the north of Scarborough Beach Road to remove the buses from Fairfield Street. It is understood that this arrangement was put in place as a response by the Paddington Alehouse. Currently, parking restrictions for all bays in the area finish at 5.30pm each night, other for than those on Scarborough Beach Road that become a Taxi Rank in the evening. It would only be possible for buses to set-down and pick-up in Scarborough Beach Road, if further bays were set aside for them. This option is not supported because - since there are only a few buses some nights - the consequential inconvenience to other users is not deemed warranted.

Question:

Should there be formal recognition of any parking agreement with the owners of the plaza?

Comment:

The submitted letter in this regard is acknowledged and placed on file, however the matter is to be reviewed prior to each incremental increase and at the end of the 12-month period.

Question:

Should we ask that the applicant contribute to a Monday Morning Town Centre clean up?

Comment:

The Hotel Staff already do a clean-up of attributable litter each night after closing in Fairfield Street and Scarborough Beach Road. However, an option is to formalise this matter by including it as a condition of approval.

Question:

Do we have provisions to police the operations of non complying bus operators?

Comment:

The Town has no authority to prevent buses from using the local access roads (residential streets) such as Fairfield Street while Scarborough Beach Road is classified as District Distributor A road and a designated bus route. Fairfield Street could be modified to prevent and/or restrict buses from accessing the street, however any measures introduced would also impact upon general traffic and may be to the detriment of the resident's amenity. Council has previously resolved that if engineering measures are to be considered that the matter be referred to the Local Area Traffic Management Advisory Group. Given the limited number of buses that attend the venue each night are directed by the hotel management to use Scarborough Beach Road, restricting bus access to Fairfield Street is not being considered at this time.

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 23 November 2004:

"That the Item be DEFERRED to the Ordinary Meeting of Council to be held on 7 December 2004 so that letters can be sent to residents in the area advising them that the matter is being considered by the Council.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 13 April 2004, considered the subject proposal and resolved to defer the item for more information to be supplied.

Further deliberations occurred after an oral presentation by Mr Neil Randall during the Elected Member Forum that took place on Tuesday, 16 November 2004 and officers subsequently required additional information.

On 17 November 2004 updated information was received that includes the following documentation:

- *"Paddington Alehouse Parking Submission";*
- *"Paddington Alehouse - Patron Parking Management Plan";*
- *"Paddington Alehouse - Harm Minimisation and Management Plan";*
- *"Paddington Alehouse - House Management Policy"; and*
- *"Paddington Alehouse - Code of Conduct".*

Health Services

Health Services report that since the public meeting conducted by the establishment and Council Officers with local residents on 20 December 2003, only two (2) complaints have been lodged - one in relation to noise/anti-social behaviour outside the premises, and one in relation to parking. The Licensee indicated that the Paddington Alehouse received approximately six (6) complaints during this period.

Over the course of the past 6 months, the applicant has endeavoured to provide as much additional information as possible to address the concerns held by the Council and the adjoining residents.

The information supplied includes a letter from the applicant addressing issues such as bus strategies, anti-social behaviour and taxi strategies. Swan Taxis have confirmed in writing the provision of a Swan Taxis 'Free Phone and Cabspot' for the patrons of the Paddington Ale House to receive a fast and efficient taxi service. Further to this, the Taxi Council of Western Australia has requested that the taxi rank operate safer and more efficient via the implementation of three permanent taxi rank car bays thus, deterring private cars from parking in the taxi rank.

In addition to the above, the applicant has organised with the Hawaiian Management Group, acting on behalf of the owners for the Mount Hawthorn Shopping Centre, the use of the shopping centre car park for the patrons of the Paddington Ale House. The Hawaiian Management Group has also expressed a willingness to enter into a formal agreement with the applicant after the redevelopment is completed. This has been confirmed in writing by the Management Group.

Racing and Wagering Western Australia have also expressed written consent for the use of the car parking bays at the TAB agency at No. 118 Hobart Street for the Paddington Ale House patrons in non-peak periods of the TAB operations.

A further letter has been provided by Oldfield Knott Architects justifying the proposal before Council. A copy of the above letters are 'Laid on the Table'.

Planning Services

In relation to car parking requirements and in accordance with the recently adopted 'Parking and Access' Policy, car parking requirements are based upon the number of beds/bedrooms plus the public floor area, or the maximum number of persons approved, whichever is greater. The subject proposal will not involve an increase in the public area, however, the proposed increase in accommodation/patronage numbers will result in an increase in parking requirements from 89 to 133 car bays. However, as car parking requirements will be greater when calculated based upon public floor area, the parking requirements for the proposal remains unaffected.

Law and Order Services

Since 1 January 2004, Rangers have been enforcing the parking restrictions in Fairfield Street on a daily basis. Rangers attend Fairfield Street at least once every day and their times of patrols were varied, to ensure that the statistics provide a cross section of all days and various times.

Between 1 January 2004 and 16 November 2004, a total of nine hundred and forty one (941) Parking Infringement Notices were issued to illegally parked vehicles in Fairfield Street, representing a total revenue of \$73,095.00, of which 721 infringement notices, representing \$56,205 have already been paid. A total of 53 infringement notices have been withdrawn, which leaves 170 still outstanding. Of these 170 infringement notices, 38 have been lodged with the Fines Enforcement Register.

The 941 infringement notices were issued to 914 different vehicles, with 12 vehicles receiving 2 infringement notices and 1 vehicle receiving 3 infringement notices. Of the vehicles that received more than 1 infringement notice, 6 vehicles subsequently had their notices withdrawn, when they provided proof of visiting a resident. There were also 37 infringement notices that were modified, following correspondence with the Council.

There have also been 93 infringement notices issued to vehicles for illegally parking in the Taxi Zone in Scarborough Beach Road, to a total value of \$5,115. Of the 93 infringement notices issued, 62 have been paid, 5 have been lodged with Fines Enforcement Registry and 6 were withdrawn. The remaining 20 infringement notices remain outstanding and are progressing through the enforcement process.

Technical Services

As an outcome of various meetings and public forums held in 2003, Technical Services were directed to implement a range of engineering measures designed to improve the resident's amenity in those streets immediately adjacent the Paddington Alehouse. Amongst these measures were improved street lighting, enhanced parking restrictions, additional directional signage and relocation of the Fairfield Street Taxi Rank to Scarborough Beach Road.

At the Ordinary Meeting of Council held on 21 October 2003, the following table (Table 1) was submitted outlining the agreed measures and the progress to that point in time.

Table 1

	<i>Proposal</i>	<i>Progress (to October 2003)</i>
<i>1</i>	<i>Liaise with the Ale House to educate patrons by way of flyers and announcements as to the car parking available, noise and other behavioural matters.</i>	<i>The Town's Health Officers have liaised with the Hotel management. Flyers and announcements have being actioned by the Hotel including appropriate security etc. in liaison with the Town's officers resulting in marked improvements</i>

	<i>Proposal</i>	<i>Progress (to October 2003)</i>
2	<i>Better, more prominent signage to the existing car parks, i.e. Flinders Street and Hobart Street parking areas.</i>	<i>Completed - July 2003.</i>
3	<i>Undertaking an audit of existing car parks with a view to improving (where warranted) the level of lighting, pavement surface and line marking.</i>	<i>Funds allocated in 2003/2004 draft budget. Works to be scheduled.</i>
4	<i>Technical Services to investigate upgrading the level of street lighting in Fairfield Street (Scarborough Beach Road to Anzac Road).</i>	<i>Completed - August 2003.</i>
5	<i>Taxi Control Board, the Town and Paddington Ale House to investigate relocating taxi rank to Scarborough Beach Road and for the Hotel to provide security staff to control the crowd during peak times.</i>	<i>Taxi Control Board has agreed to relocation of the taxi rank and it will soon be implemented.</i>
6	<i>Upon implementation, of part or all of the above, the Town, in consultation with Hotel management and local Police, to continue monitoring the situation.</i>	<i>On going</i>
7	<i>Improved No Standing demarcation lines adjacent to driveways.</i>	<i>Completed - July/Aug 2003</i>
8	<i>Parking restrictions in Fairfield Street to be extended to Anzac Road</i>	<i>Completed - September 2003</i>
10	<i>Future Engineering measures.</i>	<i>On hold.</i>
12	<i>Provision of a barrier fence Scarborough Rd frontage of Hotel to contain Hotel patrons.</i>	<i>Completed - September 2003</i>

The following table (Table 2) provides a further update, shown in italics, of the agreed measures and additional measures since undertaken.

Table 2

	<i>Proposal</i>	<i>Progress (to November 2004)</i>
1	<i>Liaise with the Ale House to educate patrons by way of flyers and announcements as to the car parking available, noise and other behavioural matters.</i>	<i>The Town's Health Officers have liaised with the Hotel management. Flyers and announcements have being actioned by the Hotel including appropriate security etc. in liaison with the Town's officers resulting in marked improvements On Going</i>
2	<i>Better, more prominent signage to the existing car parks, i.e. Flinders Street and Hobart Street parking areas.</i>	<i>Completed - July 2003.</i>
3	<i>Undertaking an audit of existing car parks with a view to improving (where warranted) the level of lighting, pavement surface and line marking.</i>	<i>Flinders Street car park resurfaced and line-marked in March 2004. Parking directional signage relocated to a more prominent location and a new streetlight installed over car park access.</i>

	<i>Proposal</i>	<i>Progress (to November 2004)</i>
4	<i>Technical Services to investigate upgrading the level of street lighting in Fairfield Street (Scarborough Beach Road to Anzac Road).</i>	<i>Completed - August 2003 and further enhanced in early 2004 with the streetlights at the northern or hotel end upgrade to 250watt High Pressure Sodium (the same standard installed on distributor roads) and a 80watt Mercury Vapour lights installed on every other pole in Fairfield Street to Anzac Road. Further an additional two (2) streetlights were installed in Flinders Street in the vicinity of the car park.</i>
5	<i>Taxi Control Board, the Town and Paddington Ale House to investigate relocating taxi rank to Scarborough Beach Road and for the Hotel to provide security staff to control the crowd during peak times.</i>	<i>Relocated in early 2004 and enhanced 'Taxi Zone' signage installed in Scarborough Beach Road with a further upgrade in mid 2004.</i>
6	<i>Upon implementation, of part or all of the above, the Town, in consultation with Hotel management and local Police, to continue monitoring the situation.</i>	<i>On going</i>
7	<i>Improved No Standing demarcation lines adjacent to driveways.</i>	<i>Completed - July/Aug 2003 and further enhanced in early 2004 with individual on-road parking bays marked.</i>
8	<i>Parking restrictions in Fairfield Street to be extended to Anzac Road</i>	<i>Completed - September 2003</i>
10	<i>Future Engineering measures.</i>	<i>On hold.</i>
12	<i>Provision of a barrier fence Scarborough Rd frontage of Hotel to contain Hotel patrons.</i>	<i>Completed - September 2003</i>

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 13 April 2004:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by N Randall on behalf of the owner A Swanson for proposed increase in accommodation / patronage numbers at existing hotel on No.141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, and as shown on the plans stamp dated 22 September 2003, subject to:

- (i) this approval for a period of 6 months only and should the applicant wish to continue the use (accommodation/patronage numbers) after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. Within this 6 month period, monthly working group meetings shall be held by the applicant with Officers of the Town and Local Police Services to address any concerns raised, and that the matter be reported to Council for further consideration thereafter;*

- (ii) *ongoing compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (iii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- to the satisfaction of the Chief Executive Officer.*

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Discussion ensued.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Farrell

That the Item be DEFERRED for more information.

CARRIED (8-0)

LANDOWNER: *N Randall*
APPLICANT: *A Swanson*
ZONING: *Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - District Centre*
EXISTING LAND USE: *Hotel*
COMPLIANCE:

<i>Use Class</i>	<i>Hotel</i>
<i>Use Classification</i>	<i>"SA"</i>
<i>Lot Area</i>	<i>1264 square metres</i>

SITE HISTORY:

The subject property is located on the south-western corner of Scarborough Beach Road and Fairfield Street and is occupied by the Paddington Alehouse. The original hotel was built circa 1920.

12 April 1999 The Council at its Ordinary Meeting deferred item 11.1.8 to meet with the applicant to further discuss the proposal. The proposal was related to alterations and additions to the existing hotel. The Officer Recommendation was for refusal.

27 April 1999 The Council at its Ordinary Meeting approved proposed alterations and additions to existing hotel, subject to several conditions, including the following:

- "(ix) the current approved accommodation numbers in accordance with the Health (Public Building) Regulations 1992 and the Health Act 1911 (as amended) shall not be increased."*

DETAILS:

The applicant seeks approval for an increase in the maximum accommodation numbers based on recent amendments to the Health (Public Buildings) Regulations 1992.

The applicant provided a letter stating the following in relation to the application.

"Currently the Paddington Ale House has a maximum accommodation capped at 400 persons. To fully comply with Health (Public Building) Regulations 1992 of The State of Western Australia. I formally request that the accommodation of the Paddington Ale House be recalculated based on the new regulations, providing for one person per 0.85 square metres. It is confirmed by Town of Vincent, Manager of Health Services, that the new maximum accommodation would increase from 400 persons to 600 persons based on these new calculations.

The Paddington Ale House continues to maintain its status as one of the best hotels in Australia having won the National Awards for Best Bar Presentation and Services 2003.

We have very few problems and very few complaints and this is because of our security system, and very professional crowd controllers, who are encouraged to have a chat rather than a fight. The name of the company is Security and Allied Service.

A new surveillance system with 18 cameras strategically placed inside and outside the hotel makes it very safe for our patrons.

We have a very good liaison and relationship with Town of Vincent, and I hereby enclose Harm Minimisation and Management Plan to support our application."

CONSULTATION/ADVERTISING:

The proposal was formally advertised in accordance with the Community Consultation Policy for a two week period. No written submissions were received in that time.

In light of the interest within the wider community in relation to the application, the proposal was presented to the residents of Mount Hawthorn via a public meeting organised by the applicant and held at the Paddington Ale House on 20 December 2003. The minutes of this meeting are attached.

The public meeting was well attended, with the following representatives invited to address the residents, advising of the proposal, the current situation and answering any questions.

- *Manager, Engineering Design Services – Town of Vincent*
- *Senior Ranger – Town of Vincent*
- *Senior Environmental Health Officer – Town of Vincent*
- *Officer in Charge - Leederville Police Station*
- *Head of Security and Allied Services*
- *WA Taxi Council/Swan Taxi Management representative*
- *President of the Australian Hoteliers Association (WA Branch)*

The residents raised a number of concerns aside from the increase in patron numbers from 400 to 600 patrons, and these related to antisocial behaviour, noise from patrons and various other police matters, rubbish from patrons, parking, and security.

Residents were provided with the after hours contact numbers for both the Police Services and Town's Emergency Service, and the Licensee Neil Randall, and Head of Security and Allied Services Stephen Gardiner both offered their mobile telephone numbers encouraging residents to contact them at any time should they experience problems with antisocial behaviour, or loitering patrons so that a security team could be sent to the area immediately (as Police Services may have other job priorities at that time). The Senior Environmental Health Officer also offered her contact details to all residents, and encouraged that they contact her directly should they have problems with noise created by amplified music or wish to discuss other public health matters.

In the three months since the public meeting, no justified complaints have been received by the Town, other than a handful of complaints regarding parking. Furthermore, prior to the proposed increase in numbers, it is advised that very few complaints had been received by Health Services, and none were relating to amplified music from the hotel.

The Licensee and Head of Security at the Paddington Alehouse have received one or two calls requesting they move patrons from their verge area around closing time, and were able to respond rapidly by sending a security team to move patrons on and request them to conduct themselves in an orderly manner.

The Officer in Charge, Leederville Police Station Sergeant Kevin Dale reports that monthly meetings are now held with the key staff at the Paddington Alehouse (the Town's Health Services will attend these meetings when appropriate, or should further complaints be received). When consulted in relation to the proposed increase in numbers Sgt Dale advised the following:

"There have been no incidents of significance involving the Paddington Alehouse since the public meeting. We still have an open and honest relationship with the management and the security people at the hotel."

The Perth Drug and Alcohol Office were also consulted in relation to the increase in numbers, and Senior Constable Darren Waddell advised:

"In relation to the Paddington Alehouse, we have had no liquor complaints from residents, or on general attendance there. Once numbers have increased we can look at it from an antisocial point of view, with combined operations from traffic and uniformed Police on the Paddington Alehouse, should it be seen to get out of hand, then we can act on it."

Increased patrols of surrounding streets by security staff, and hotel staff collecting litter, have been implemented and are proving very successful. The security systems installed by the licensee has 18 cameras strategically placed inside and outside the hotel, and is by far the most up to date system installed by a hotel within the Town.

The new taxi rank on Scarborough Beach Road has diverted much of the through traffic from Fairfield Street, and this appears to be operating extremely well. Security staff from the Paddington Alehouse maintains a surveillance on the taxi rank to ensure that anti-social behaviour is kept to a minimum and they ensure that patrons remain orderly until a taxi collects them.

In accordance with the Council Resolution of 16 December 2003, a Residential Parking Zone, operating from 5.00pm to 5.00am, has been introduced on the west side of Fairfield Street, between Anzac Road and Scarborough Beach Road, Mount Hawthorn. This street can accommodate approximately fifty vehicles, parking on both sides of the road.

At its Ordinary Meeting held on 16 December 2003 the following resolution was adopted:

"That the Council;

- (i) receives the report on various issues regarding lower Fairfield Street, between Scarborough Beach Road and Anzac Road, Mt Hawthorn;*
- (ii) APPROVES the introduction of a trial residential Parking Zone on the western side of Fairfield Street, between Scarborough Beach Road and Anzac Road, between the hours of 5.00pm and 5.00am for the reasons outlined in the report and the apparent lack of ratepayer support for the proposal;*
- (iii) notes that the Town's Law and Order Services is preparing a strategy for effective enforcement of the existing restrictions;*

- (iv) *a further report will be presented to Council outlining the proposed strategy in February 2004;*
- (v) *requests officers to prepare Key Performance Indicator criteria for determination at the Ordinary Meeting of Council to be held on 10 February 2004 to enable an accurate assessment of the trial to be carried out, the determination of the criteria should not defer the introduction of the trial; and*
- (vi) *requests the re-issue of the Town's flyer that provides information and contact details of the appropriate agencies to report any matters relating to anti-social behaviour or parking issues to an appropriate surrounding area."*

A number of residents have applied for Residential Parking Permits, but most are not eligible, because their properties have available off-street parking facilities. A total of 6 Residential Parking Permits and 42 Visitors Parking Permits have been issued to residents, to ensure that residents with no off-street parking facilities and occasional visitors are exempt from the time restrictions. Four (4) of the residents permits issued were for residents from the west side of Fairfield Street, with the remaining two (2) being for resident on the east side. . However, it has been noted that a number of the Visitors Parking Permits are being used as defacto Residential Permits by residents who were not assessed as eligible, and while Rangers are not yet taking action in these cases, this is a clear contravention of the conditions governing the issue of permits.

To prevent a recurrence of the problems that were initially experienced in the Anzac Road area, a letter was delivered to residents of Fairfield Street, making them aware that their Residential and Visitors Parking Permits should only be used on the west side of the street. If residents and their visitors are permitted to use their permits on either side of Fairfield Street, the time restricted area on the east side of the road is likely to be filled up with permit-holders, while the residential side of the street will not be available to casual parkers. Following delivery of the letter, the Town received two telephone calls from residents, complaining about the need to only use the west side of the street. When this was explained to both residents, one acknowledged that the requirement was valid, while the other was totally opposed to the requirement, indicating that it was "a personal attack on residents".

After a two-week period where Rangers issued Cautions to offending vehicles, infringement notices have been issued to vehicles that do not comply with the restrictions. Since 9 January 2004, there have been 319 infringement notices issued to offending vehicles in Fairfield Street. Of these 229 infringement notices were issued for contravention of the Residential Parking Restrictions and 90 for other parking offences. Of the 319 notices, only two (2) vehicles contravened on more than one occasion, one (1) of which was someone visiting a resident who failed to display a permit. The two (2) infringement notices that were issued to the visitor were withdrawn, leaving only one (1) vehicle that was issued with two (2) infringement notices, both of which were paid.

Rangers visit Fairfield Street an average of twice each evening and have done so since 9 January 2004. The Rangers have maintained an "attendance log", containing details about the number of vehicles on each side of the street, number and type of permits displayed, number of infringement notices issued and for what offence, length of stay by offenders, etc. This information will be used to evaluate the restrictions, when a report is submitted to the Council at the conclusion of the trial period. It is considered inappropriate to make any decision about the effectiveness of the restrictions, until it has been in operation for six (6) months, so this report will be submitted to the Council in July or August 2004.

The Town has received a claim from one resident that problems persist outside of the peak times of hotel patronage as the street is used as a "rat-run", however data collected by the Town's Technical Services section indicate that this is not the case.

A further letter drop has been conducted by the licensee advising those patrons who may not have been able to attend the public meeting of the after hours contact numbers for both the licensee Neil Randall, and the head of security. Residents are encouraged to contact them directly to request patrons to "move on" from the streets, rather than contacting the Police Services who may be unable to attend for some time depending on the other job priorities.

An A-frame sign has been placed on the median strip at the Fairfield Street, Scarborough Beach Road intersection, which requests patrons to respect the surrounding residents, and observe the parking restrictions in the area.

Prior to the public meeting, a nearby resident provided the following comments in relation to the proposal.

"As you are aware there have been ongoing issues with nearby residents and the hotel relating to a number of areas such as parking, noise, litter and vandalism, to name a few. This history is demonstrated by looking over the minutes of council meetings for the past twelve months.

PARKING

Residents are acutely aware of the problem with parking that currently exists with a limit of only 400 persons. The only public car park, other than the small parking facility behind the establishment, which can be utilised is the equally small car park at the end of Hobart Street. Although most residents of Fairfield Street north have their parking off Axford Lane, it is not possible to entertain on a Friday or Saturday night for many of us, without expecting our guests to park up to 350 metres from our homes. We can only but assume that if the hotel was granted an increase in numbers of the order of 50% as proposed that our guests would then be parking over half a kilometre away.

NOISE

The issue of noise is another problem that has not abated at all. Most residents will accept that living near a hotel means that some noise in the form of live, or piped, music will reach their homes, and can live with this. Unfortunately, the noise caused by patrons leaving the premises at approximately 1 am in the morning (due to the hotels permit for extended trading hours) is the key problem. Many residents are woken in the early hours of Saturday or Sunday to yelling, often a string of obscenities, that lasts at least 30 minutes. What is doubly unfortunate is that through a 50% increase in the number of patrons, the noise of the music will remain the same, but the noise of the patrons departing the premises in the middle of the night can only increase.

VANDALISM

A couple of months ago I had cause to report to the XO Technical Services that the street sign for Axford Lane had been pulled down on a Saturday night. The Town was very prompt in having someone come out and fix it, but really needn't have bothered, as last weekend the exact same act of vandalism took place. This is coupled with reports from residents of fences being broken and letter boxes being kicked over, as well as the more serious reports of vehicles being damaged.

ANTI-SOCIAL BEHAVIOUR

What a surprise two Saturday nights ago when my wife woke me just after midnight to say I should take her to the hospital as she was going into labour. What a double surprise when I raised the garage door to Axford Lane and saw three men who must have had far too much to drink, as they obviously thought they were still in the urinal at the Ale House instead of humble Axford Lane. This is not an uncommon occurrence.

LITTER

Detail from the minutes of the LATM meeting state that the publican has implemented a scheme of collecting litter from the surrounding streets each morning. Although I have not seen this in action I commend this initiative. Unfortunately though, it doesn't seem to make a difference to my Saturday/Sunday morning ritual of walking up the driveway and collecting the empty beer stubbies that have been either tossed into the garden or simply left sitting on the letterbox..."

On the other hand, both the Licensee and the Town have received a number of letters from residents in the area supporting the Paddington Alehouse. The following comments have been made by residents in favour of the proposal.

Letter 1

"As both a regular patron of the Paddington Ale House and a local resident, I attended to gain an awareness of issues or concerns that other local residents may have with your establishment. Personally, I have lived in Flinders Street for the past two years and have no issues or concerns in relation to the Paddington Ale House.

With respect to a number of specific issues that were discussed at the meeting, I would make the following comments/observations:

- 1. Increase in maximum number of patrons- Given that the Town of Vincent has indicated that all planning and health criteria have been met to accommodate 600 patrons, there do not appear to be grounds on which to oppose such an increase. In any event, it would appear that there are likely to be few occasions on which the Paddington Ale house could currently expect to attract significantly more than 400 patrons.*
- 2. Trial of resident parking on west side of Fairfield Street - I believe the current 1 hour parking restriction in Fairfield Street, which appears to apply 24 hours a day, is both confusing and unreasonable. I have no difficulty in supporting a trial of 'residents only' parking between 5pm and 5am, although I would suggest that a more reasonable period would have been from 9pm to 5am.*
- 3. Location of taxi rank - the current location on Scarborough Beach Road appears preferable, for both residents and patrons, and perhaps consideration could be given to making these taxi bays a tow away zone.*

Generally, I was encouraged by the measures that you indicated you were willing to implement to address residents concerns, particularly the collection of glass in surrounding streets. I also concur with the observation of one of the other local residents that the source of this glassware is likely to predominantly be patrons on their way to the Paddington Ale House, rather than patrons leaving your establishment with drinks. While annoying, this situation is no different to that which I have seen occur within close proximity of many other licensed venues.

I am not aware of what arrangements you may currently have in place for continued liaison with local residents on these sorts of issues, but I would attend any future public meetings that may be organised with interest."

Letter 2

"I'm a local resident writing on behalf of my family to congratulate and thank you for hosting, what I believe has been your most successful year.

We live in Fairfield Street, one block from you, and I understand that managing patrons and locals needs must be a difficult task. We have had the occasional bottle left on our verge, and heard the ruckus of more than one disappointed rugby fan, but the disturbance has still been insignificant compared to the roar of trucks supplying Woolworth's. Congratulations on the safe and effective management of your patrons.

You help create a great sense of community in a city that seems to be demolishing its local public houses in favour of retirement villages and high rise apartments...thank you."

Letter 3

"...as far as we are concerned at our address, we have never had any significant concerns or issues. The rear of our property does have a line of sight to the rear of your premises and we can certainly on occasions clearly hear noise from bands, but it is infrequent and limited to what appears to be certain conditions such as wind direction. Patrons who appear to be exiting the venue, can sometimes be heard in the street however, again this is limited. Parking has never affected us to date.

Based on the above as it affects us, the fact that we moved to the area in full knowledge of the local licensed premises and my support for a mixed use in the area, I certainly support the current activities of your business.

Letter 4

"...we would like to express that we frequent our local pub, the Paddington Ale House and have never faced problems, excessive noise, or unruly behaviour, either at the Pub or in our street. We see the Paddington Ale House as an asset to our community."

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Parking

The car parking requirements for the subject site is based on total gross public assembly area and number of beds/bedrooms. There is no parking implications involved in this instance as the proposal does not involve an increase in the existing public assembly area or number of beds/bedrooms. Following are comments relating to car parking from the report relating to proposed alterations and additions to the existing hotel, which was referred to the Ordinary Meeting of Council held on 12 April 1999.

"The car parking requirement is as follows:

<i>Use</i>	<i>Method of calculation</i>	<i>No. car bays required</i>
<i>Tavern / dining area / alfresco area</i>	<i>1 space for every 4.5 square metres of gross public assembly area</i>	<i>128 car bays</i>
<i>Beer garden / deck area</i>	<i>1 space for every 4.5 square metres of gross public assembly area</i>	<i>21.7 car bays</i>
<i>Hotel</i>	<i>1 space per bedroom</i>	<i>24 car bays</i>

<i>NO. CAR BAYS REQUIRED</i>	<i>173.7 car bays</i>
<i>NO. CAR BAYS PROVIDED</i>	<i>13 car bays</i>
<i>LESS EXISTING SHORTFALL</i>	<i>120 car bays</i>
<i>TOTAL INCREASED SHORTFALL</i>	<i>40.7 car bays</i>

The increase in the car parking requirement can mainly be attributed to the additional use of the deck area and the garden to the western side of the hotel for drinking area. The car parking shortfall is significant and the proposed alterations and additions are likely to create an increase in patronage. It is considered unlikely, however that all the patrons to the hotel will be using motor vehicular transport, particularly as parking in the area is minimal and the nature of the use is such that driving is not the preferred mode of transport.

Should the Council approve this application, it is recommended that prior to completion of the additions, three (3) bicycle parking rail(s) be provided at a location convenient to the entrance of the hotel within the setback area adjacent to the Fairfield Street frontage."

A further report was prepared for the Ordinary Meeting of Council held on 27 April 1999. The car parking comments are as follows.

"NON-COMPLIANCE WITH CARPARKING REQUIREMENTS

In addition to what the Council Planning Officers report outlines we advise that:-

- (i) The first floor level bedrooms (24 off) currently operate at no more than a 50% maximum occupancy rate. 2-3 guests/residents at most have a car, the rest of the guest/residents utilise public transport which is available at door step. Therefore a 21-22 car bay reciprocal is apparent.*
- (ii) The increased shortfall in carparking is mainly due to the concrete deck area (Fairfield Street-frontage) and garden courtyard (western side of hotel). As a result our client is prepared to forego the Fairfield Street deck area at this stage, which will not only improve the carparking shortfall but also alleviate any noise concerns residents of Fairfield Street may have had (no amplified music was intended to service the deck area in any event).*
- (iii) Our client under the Health Act-Public Buildings Regulations currently has approval to accommodate 400 persons on the premises. This is policed by both your Council Health Department and the Liquor Licensing Division.*

The proposed alterations were aimed at improving and attracting a better standard of clientele by providing a better "quality" establishment.

On this issue our client wished to advise that he will not be seeking to increase his patron accommodation numbers (which are determined on a 1 square metre per person floor area basis) and remain at the current/approved 400 persons figure.

Councils, we understand have the authority to do this and can condition Development Approvals accordingly. Restaurants for example have been restricted in the past as to how many seats/tables they can provide etc.

CONSIDERATION OF OBJECTIONS RECEIVED

Our client is pro-active and most certainly does not want to cause any more undue strain or stress on the neighbouring community.

Parking in Fairfield Street is currently restricted to 1 hour maximum at any time, seven days a week. This can still remain and continue to be policed. "Residents Parking" stickers could be utilised to allow residents to park in their own street without being ticketed.

Noise issues are controllable. The proposed new structure is acoustically treated, unlike the current lean-to structure.

Patrol of the area by Hotel security can alleviate patron noise and disturbance.

Litter is not an issue and again can be overcome by hotel staff. The hotel is not a nightclub, has no take-away "bottle shop" style facilities and cannot/will not allow patrons to leave the premises with alcohol (cans, glassware etc) in hand. The standard of clientele is to be improved as mentioned earlier.

Privacy has been addressed in the Council Planning Officers report and is now further improved by the withdrawal of the deck area extension along Fairfield Street.

With respect to the right of way, this has been addressed in the Council Planning Officer's report.

It is obvious that the Mount Hawthorn Centre Precinct (along Scarborough Beach Road) is deteriorating rapidly. There are approx. 6-8 vacant shops. Businesses have come and gone. This application should be seen to be a catalyst in its rebirth, a stimulus for others and the Mount Hawthorn community to follow and produce its own café/retail strip as has Leederville – Oxford Street, Mount Lawley – Beaufort Street, Fremantle – South Terrace, Victoria Park – Albany Highway, Claremont, etc.

There is very strong support from the existing business community as outlined in the attached submissions received by our client."

The shortfall in car parking was granted conditional Planning Approval. Condition (ix) of the conditional approval states as follows;

" the current approved accommodation numbers in accordance with the Health (Public Building) Regulations 1992 and the Health Act 1911 (as amended) shall not be increased;"

The applicants wish to modify the maximum accommodation numbers to be in accordance with the current standards as per Health (Public Buildings) Regulations 1992 (as amended).

Health Regulations

The subject application does not involve any structural changes, additions or modifications to the existing hotel. The application pertains to increasing the maximum accommodation numbers of the hotel so that it is in accordance with the recent amendments to the Health (Public Buildings) Regulations 1992 (as amended), which allows local governments to review licensed premises, and alter the accommodation ratio from 1 person per 1 square metre to 1 person per 0.85 square metre.

In relation to Licensed Premises Transition to 0.85 square metres per person, the guidelines produced by the Department of Health (WA) state that:

"This is an administrative change that should be initiated by local government without cost or a Form 2 request by the operator. In most cases this should only be a relatively simple calculation and should not require a remeasure of the entire premises."

Previously the hotel could support only 400 persons based on the planning condition restricting numbers to their previous accommodation of 400 persons, which would have originally been calculated at a ratio of 1 person per 1 square metre.

Recent re-measurement undertaken by the Town's Health Services result in an increase in numbers to 600 persons, as the building was deemed to meet all other health requirements for increasing the patron number. There are adequate toilets (in accordance with Table F3.2 of the Building Code of Australia), and exit widths were adequate to increase to 600 patrons. The Licensee has demonstrated a positive and community oriented approach, liaises frequently with the Town, the local Police Services, and has indicated full intention to continue to do so. The Town's Health Services, local Police Services and the Perth Alcohol and Drug Office supports this application, however due to concerns raised by some residents, a six month trial may be considered prudent. During this six month period, the Licensee will be requested to continue conducting monthly meetings (or more frequently as required), with the local Police Services and representative(s) from the Town. Following this trial, the matter will be reported to Council with further findings.

As a result of resident petitions and in accordance with a recent decision by the Director Liquor Licensing in relation to community concerns expressed regarding another licensed establishment, it is further recommended that:

- *The Licensee is to continue to provide a hot-line telephone service for residents and regularly re-distribute this number to all residences within a 200 metre radius;*
- *Crowd controllers are to remain being employed at a ratio of two (2) crowd controllers for the first 100 patrons, and one for each additional 100 patrons at least from 9 pm until closure - unless the Director of Liquor Licensing requires a more stringent measure;*
- *Two (2) security personnel are to remain being employed to monitor the behaviour of patrons arriving and departing the premises from one (1) hour prior to closure until one (1) hour after trading ceases. They have the responsibility to regularly patrol the vicinity of the premises (i.e.: a 200 metre radius), including Fairfield Street, Scarborough Beach Road and laneways within the radius, in order to ensure patrons depart the hotel in an orderly manner with as little disturbance to local residents as possible;*
- *The Licensee is to arrange regular meetings with nearby residents (i.e.: every three months) to consider any issue of concern and thereafter submit an abridged Minutes to the Town's Chief Executive Officer during the trial period of six months. and*
- *The Management Policy and the Code of Conduct must be displayed in a prominent position on the licensed premises.*

Following this trial, the matter will be reported to Council with further findings.

The application is considered acceptable, subject to standard and appropriate conditions to address the above matters."

Mayor Catania advised that Cr Chester had declared a proximity interest in this Item. Cr Chester departed the Chamber at 9.02pm and did not speak or vote on the matter.

10.1.7 No(s). 223-225 (Lot(s) 75) Vincent Street, Corner Cleaver Street, West Perth - Proposed Partial Demolition of and Alterations, and Two-Storey and Single-Storey Additions to Existing Educational Establishment

Ward:	South	Date:	29 November 2004
Precinct:	Cleaver; P5	File Ref:	PRO0278; 00/33/2430
Attachments:	001		
Reporting Officer(s):	R Rasiah		
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 The Buchan Group Architects on behalf of the owner Marx Pty Ltd for proposed Partial Demolition of and Alterations, and Two-Storey and Single-Storey Additions to Existing Educational Establishment, at No(s). 223-225 (Lot(s) 75) Vincent Street, West Perth, and as shown on plans stamp-dated 27 August 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (b) *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 (\$10,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (c) *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;*
 - (d) *the on going retention, protection and preservation of the 6 significant Japanese Pepper trees on site;*
 - (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 Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
 - (g) *an archival documented record of the places (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;*
 - (h) *student numbers shall be limited to 90 at any one time;*

- (i) 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;*
- (j) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Vincent and Cleaver Streets, and the rear right of way, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (k) a detailed landscaping plan, including a list of plant, and landscaping and reticulation of the Vincent and Cleaver 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); and*
- (l) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Vincent and Cleaver Streets shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer; and

- (ii) the owner/applicant is to provide a full heritage assessment at their cost, undertaken by a heritage conservation professional of the remaining single house, to determine its heritage significance and possible inclusion into the Town's Municipal Heritage Inventory (MHI), within 6 months of notification of the above Planning Approval.*

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Cr Torre departed the Chamber at 9.03pm

Debate ensued.

Cr Franchina departed the Chamber at 9.04pm.

Moved Cr Lake, Seconded Cr Farrell

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

"(i)(m) to ensure the retention, protection and on-going preservation of the trees on the adjoining property on the western side, the owner and occupier shall implement the following measures to retain, protect and maintain the on-going health of these trees:

- (a) *the submission of a tree management plan prepared by a qualified arboriculturalist commissioned by the Town which address the works to be carried out during development and the ongoing maintenance. This tree management plan shall be submitted to and approved by the Town prior to the issue of a Building Licence and all associated works shall be undertaken and maintained thereafter in accordance with the plan to the satisfaction of the Town; and*
- (b) *the trees to be inspected annually by a qualified arboriculturalist commissioned by the Town and all necessary remedial works to be carried out;*

All associated costs with this condition shall be borne by the owners."

Crs Frachina and Torre returned to the Chamber at 9.10pm.

AMENDMENT CARRIED (8-0)

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

MOTION AS AMENDED CARRIED (6-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Farrell
Cr Cohen	Cr Lake
Cr Doran-Wu	
Cr Franchina	
Cr Ker	
Cr Torre	

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

COUNCIL DECISION ITEM 10.1.7

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 The Buchan Group Architects on behalf of the owner Marx Pty Ltd for proposed Partial Demolition of and Alterations, and Two-Storey and Single-Storey Additions to Existing Educational Establishment, at No(s). 223-225 (Lot(s) 75) Vincent Street, West Perth, and as shown on plans stamp-dated 27 August 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (b) *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 (\$10,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (c) 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;*
- (d) the on going retention, protection and preservation of the 6 significant Japanese Pepper trees on site;*
- (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 Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (g) an archival documented record of the places (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;*
- (h) student numbers shall be limited to 90 at any one time;*
- (i) 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;*
- (j) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Vincent and Cleaver Streets, and the rear right of way, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (k) a detailed landscaping plan, including a list of plant, and landscaping and reticulation of the Vincent and Cleaver 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);*
- (l) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Vincent and Cleaver Streets shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (m) to ensure the retention, protection and on-going preservation of the trees on the adjoining property on the western side, the owner and occupier shall implement the following measures to retain, protect and maintain the on-going health of these trees:*

 - (a) the submission of a tree management plan prepared by a qualified arboriculturalist commissioned by the Town which address the works to be carried out during development and the ongoing maintenance. This tree management plan shall be submitted to and approved by the Town prior to the issue of a Building Licence and all associated works shall be undertaken and maintained thereafter in accordance with the plan to the satisfaction of the Town; and*

- (b) *the trees to be inspected annually by a qualified arboriculturalist commissioned by the Town and all necessary remedial works to be carried out;*

All associated costs with this condition shall be borne by the owners;

to the satisfaction of the Chief Executive Officer; and

- (ii) *the owner/applicant is to provide a full heritage assessment at their cost, undertaken by a heritage conservation professional of the remaining single house, to determine its heritage significance and possible inclusion into the Town's Municipal Heritage Inventory (MHI), within 6 months of notification of the above Planning Approval.*

Landowner:	Marx Pty Ltd
Applicant:	The Buchan Group Architects
Zoning:	Metropolitan Region Scheme: Urban and abuts an Other Regional Road (ORR) Town Planning Scheme No.1 (TPS 1): Residential R80 and abuts ORR
Existing Land Use:	Educational Establishment
Use Class:	Educational Establishment
Use Classification:	"AA"
Lot Area:	2338 square metres
Access to Right of Way	South side, 9.8 metres wide, sealed, privately owned

BACKGROUND:

On 13 November 1989, Council at its Ordinary Meeting conditionally approved the use of two single residences as an "Educational Establishment", including 8 car bays in lieu of 21 car bays.

On 18 April 1995, Council at its Ordinary Meeting conditionally approved alterations and additions to the existing premises, with a total of 14 car bays in lieu of 35 car bays.

DETAILS:

The proposal involves demolition of a single storey brick and tile house and the construction of a two level classroom. Staff numbers which total 20 at the moment are not to be increased. Student numbers are currently 90, which is to remain. There are currently 8 classrooms. The proposed additional and refurbished rooms are for staff/office, resource and group meetings. The upgrade is primarily to improve conditions for administrative staff. Most students live within walking distance to the site and generally walk or use public transport. 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	1.0 -2338 square metres	0.6 -1474 square metres	Supported- as the proposal is compatible with the surrounding buildings, which includes a high rise apartment complex.
Height of Wall-Single Storey	3 metres	3.5 to 4.2 metres	Supported- the increase in the wall height does not result in any undue overshadowing issues.
Height of Building-West Side	9 metres	9.8 metres	Supported- match existing first floor slab level and compliment existing building to avoid appearance as an add on structure.
Height of Building-North Side	9 metres	10.1 metres	Supported- match existing first floor slab level and compliment existing building to avoid appearance as an add on structure.
Cleaver Street-Setback	6.2 metres (setback of building on adjoining lot)	Between 2.2 and 2.7 metres to the stairs and 6 metres to the building	Supported- the reduced setbacks do not result in any undue overshadowing issues, and allows the buildings to address Cleaver Street streetscape.
Vincent Street-North Side Ground Floor Setback	6 metres (existing building to be demolished)	2.7 to 4.5 metres	Supported- the reduced setbacks do not result in any undue overshadowing issues, and allows the buildings to address Vincent Street streetscape.
Vincent Street- North Side Upper Floor Setback	6 metres	2.7 to 4 metres	Supported- the reduced setbacks do not result in any undue overshadowing issues, and allows the buildings to address Vincent Street streetscape.
Vincent Street-West Side Upper Floor Setback	2.8 metres	2.4 metres	Supported- the reduced setbacks do not result in any undue overshadowing or other amenity issues.

Consultations Submissions			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Support (1)	Department for Planning and Infrastructure (DPI), has no objection to the proposal.		Supported
Objection (1)	<p>Streetscape and heritage-The demolition would be in odds with the Vincent Vision 2024 in identifying that people strongly value the positive contribution character housing makes to an area. If the house is approved for demolition after a full heritage assessment, a full heritage assessment should be conducted on the remaining house, for its heritage significance. The alteration proposed to the existing house should qualify for listing on the Town's Municipal Heritage Inventory (MHI), as part of this proposal.</p> <p>Trees and western setback and height.</p> <p>Fencing-The existing fencing is considered dangerous as it provides seclusion to "untoward" activities. The walls detract the contribution of the buildings towards the Vincent and Cleaver Streets streetscape. Visually permeable fencing should be installed.</p>		<p>Not Supported - as the single house is not considered to have heritage value. The remaining single house although not on the Town's MHI, is recommended that a full heritage assessment be undertaken of the place to determine its cultural heritage significance.</p> <p>Noted-the 6 significant Japanese Pepper trees on site are to be retained. Parks Services are of the view that the reduced setback would not adversely affect the ongoing survival of the trees. Setbacks are addressed above.</p> <p>Not Supported- Vincent Street is classified as "Other Regional Roads" and would fall under the category of a District Distributor Road. Solid fencing is allowed along a District Distributor Road. Along Cleaver Street, the fence is existing. Applicant has further advised that the clients are sympathetic to the comments raised and are mindful of the noise factor and its impact on their administrative area and would consider a future landscaping plan where there may be opportunity then to punctuate part of the solid wall.</p>

Other Implications			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
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.

Partial Demolition

A detailed heritage assessment for the proposed demolition is attached to the report.

The dwelling, subject to the demolition proposal, is located to the west of the lot and is dated circa 1920. It exhibits characteristics of the Federation Bungalow style of architecture. The dwelling is single storey brick with a clay tile roof. While some original features remain, 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 (MHI). The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwelling contributes little to the streetscape of the area.

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

Partial demolition and additions to a second building to the east of the site have also been proposed. This building is a single storey, brick and tile dwelling built at a similar time to its neighbour. This building does however exhibit more architectural detailing than its neighbour and has more impact on the streetscape of Cleaver Street.

Although the building is not on the Town's MHI it is recommended that a full heritage assessment is undertaken of the place to determine its cultural heritage significance and its possible inclusion onto the MHI, as a condition of the redevelopment of the site.

Car Parking

The previous Town Planning Scheme did not specify car parking requirements for educational establishments, but the standards previously used required 1 car bay per teacher and 1 car bay per 6 students. The current proposal does not involve any change to staff levels or student numbers. In the previous approval, a total of 14 car bays were provided in lieu of 35 car bays. The current proposal indicates 14 car bays, of which 4 of the existing car bays are located within the adjacent right of way (ROW). The ROW is owned by the owners of the above site and is 9.8 metres wide. The narrowest width of the ROW excluding the parallel car bays is approximately 5.4 metres, which allows for two-way traffic movements. As the proposal does not involve changes to staff and student levels, the existing car parking provided is considered acceptable.

Significant Trees

There are 6 Japanese Pepper trees at the above site, which are listed on the Town's Interim Significant Tree Data Base – Possible Inventory Inclusion, which are all to be retained.

COMMENTS:

The proposed variations are considered to be minor. The majority of the variations are considered to adequately address the relevant performance criteria in the Residential Design Codes and the Town's Policies. The proposal complies with the overshadowing and privacy requirements.

Some of the issues raised in the objection is considered valid and have been addressed in the Officer's comments and in the conditions recommended.

It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.10 No(s). 71 - 77 (Lot(s) 62) Walcott Street (Corner Beaufort Street), Mount Lawley - Proposed Alterations to Existing Eating House and Associated Signage (Dome Café)

Ward:	South	Date:	24 November 2004
Precinct:	Mt Lawley Centre; P11	File Ref:	PRO0703; 00/33/2497
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 Cross Fishwick & Associates on behalf of the owner Silverleaf Investments for proposed Alterations to Existing Eating House and Associated Signage (Dome Café), at No(s). 71 - 77 (Lot(s) 62) Walcott Street (corner Beaufort Street), Mount Lawley, and as shown on plans stamp-dated 23 September 2004 (Site Plan, Elevation and Floor Plan) and amended plans stamp-dated 16 November 2004 (Existing Floor Plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the applicant/owner shall pay a cash-in-lieu contribution of \$7,650 for the equivalent value of 3.06 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (iii) doors and windows and adjacent floor areas fronting Walcott and Beaufort Streets shall maintain an active and interactive relationship with these streets;*
- (iv) all signage shall be subject to a Sign Licence application being submitted and approved prior to the erection of the signage;*
- (v) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site; and*
- (vi) the signage shall not have flashing or intermittent lighting;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted subject to new clauses (vii) and (viii) being added as follows:

- "(vii) the applicants/owners shall pay the outstanding fee, being \$448.50, for application for retrospective Planning Approval, within 14 days of the date of notification of this approval or first occupation of the development, whichever occurs first; and*

(viii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the entry area from the street having lockable doors that are flushed along the street boundary, matches and complements the development, do not open over the street, and comply with the Building Code of Australia requirements. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;"*

Cr Chester returned to the Chamber at 9.13pm.

Debate ensued

Cr Doran-Wu departed the Chamber at 9.14pm.

CARRIED (8-0)

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

COUNCIL DECISION ITEM 10.1.10

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 Cross Fishwick & Associates on behalf of the owner Silverleaf Investments for proposed Alterations to Existing Eating House and Associated Signage (Dome Café), at No(s). 71 - 77 (Lot(s) 62) Walcott Street (corner Beaufort Street), Mount Lawley, and as shown on plans stamp-dated 23 September 2004 (Site Plan, Elevation and Floor Plan) and amended plans stamp-dated 16 November 2004 (Existing Floor Plan), subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *the applicant/owner shall pay a cash-in-lieu contribution of \$7,650 for the equivalent value of 3.06 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (iii) *doors and windows and adjacent floor areas fronting Walcott and Beaufort Streets shall maintain an active and interactive relationship with these streets;*
- (iv) *all signage shall be subject to a Sign Licence application being submitted and approved prior to the erection of the signage;*
- (v) *all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (vi) *the signage shall not have flashing or intermittent lighting;*
- (vii) *the applicants/owners shall pay the outstanding fee, being \$448.50, for application for retrospective Planning Approval, within 14 days of the date of notification of this approval or first occupation of the development, whichever occurs first; and*

(viii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the entry area from the street having lockable doors that are flushed along the street boundary, matches and complements the development, do not open over the street, and comply with the Building Code of Australia requirements. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

ADDITIONAL INFORMATION:

- 5 October 2004 Planning application for Proposed Alterations to Existing Eating House and Associated Signage (Dome Café) was submitted to the Town.
- 21 October 2004 The Town was advised by the Builders Registration Board that unauthorised internal works were being carried out.
- 25 October 2004 A site inspection was carried out by the Town's Officers, and the applicant (Cross Fishwick and Associates: Designers) was notified of the unauthorised works and advised to cease the unauthorised works.
- 2 November 2004 The Town's Officers notified the nominated builder, Mr Micheal Ogliby, to cease works. The Town did not issue the applicant/owners(s) with a Building Notice pursuant to the provisions of the Local Government (Miscellaneous Provisions) Act due to the non-structural nature of works undertaken

The proposed entrance is potentially creating a blind spot in relation to:

- making it a more difficult area to monitor;
- creating a space that could be used as a 'hidey hole' for someone intent on breaking in or threatening personal security; and
- making it an easier target for graffiti or other vandalism.

Consideration needs to be given to sight lines at the entrance. Use of night lighting would improve the security of the entrance after hours. Doors off the footpath at the entrance would enable the area to be secure after hours.

Landowner:	Silverleaf Investments
Applicant:	Cross Fishwick & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Eating House
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	2784 square metres
Access to Right of Way	N/A

BACKGROUND:

26 August 1996 The Council at its Ordinary Meeting resolved to conditionally approve development application at Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley for proposed alterations and additions to the existing Alexander Building subject to conditions including;

"(vii) in accordance with the Town of Vincent Cash-In-Lieu Contribution for Car Parking Policy, the shortfall of 16.54 car bays shall be provided by way of a total cash-in-lieu contribution of \$99 240; and

(ix) should the applicant be successful in purchasing any other adjoining land to be used for the necessary parking, clause (vii) will be put to the Council to be rescinded;"

28 October 1996

The Council at its Ordinary Meeting resolved to sell No. 8 Grosvenor Road, Mount Lawley to Silverleaf Investments Pty Ltd, subject to conditions including:

"(a) a sale price of \$165 000 as previously advertised state wide;

(b) Silverleaf Investments Pty Ltd entering into a formal deed preventing demolition of the masonry wall between No. 8 and No. 10 Grosvenor Road and agreeing not to enter into reciprocal parking rights with adjoining owners;

(c) redesign and redevelopment of the Grosvenor Road end of the Council's No. 29 Car park at the purchaser's cost; and

(d) an interest shall be placed on the Certificate of Title by way of a caveat covering the following conditions in favour of the Town of Vincent;

(i) the subject land shall be accessible and use for the purpose of a public car park only at all times;

(ii) that the provision of car parking bays shall not be used for reciprocal car parking with or for any adjoining properties;

(iii) amalgamation of the said lot with Lot 62 (Nos 71-77) Walcott Street, corner Beaufort Street, Mount Lawley prior to a Building Licence being issued for Lot 62 (Nos 71-77) Walcott Street corner Beaufort Street, Mount Lawley;

(iv) the car park design shall comply with the layout design plan submitted by Meyer Shircore Architect received on 8 October 1996; and

(v) the owner agreeing to construct the car park on the subject land at the owner's full expense within one (1) month of the Building Licence for Lot 62 (Nos 71-77) Walcott Street corner Beaufort Street, Mount Lawley being approved".

10 February 1997

The Council at its Ordinary Meeting resolved to amend the resolution adopted by the Council at its Ordinary Meeting held on 26 August 1996, with regard to Item 12.1.12 Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley - Proposed Alterations and Additions to the existing Alexander Building by rescinding condition (vii);

"in accordance with the Town of Vincent Cash-In-Lieu Contribution for Car Parking Policy, the shortfall of 16.54 car bays shall be provided by way of a total cash-in-lieu contribution of \$99 240.00"

11 August 1997

The Council at its Ordinary Meeting resolved to conditionally approve alteration and additions to the existing shops on Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley subject to conditions including:

"(iv) in accordance with the Town of Vincent Cash-in-Lieu Contribution for Car Parking Policy - Draft Policy, the shortfall of 2.744 car bays shall be provided by way of a total cash-in-lieu contribution of \$8232";

27 October 1997

The Council at its Ordinary Meeting resolved to amend the resolution adopted by Council at its Ordinary Meeting held on 11 August 1997 for Nos. 71 - 77 (Lot 62) Walcott Street, Mount Lawley by rescinding condition (iv);

"condition (iv) in accordance with the Town of Vincent Cash-in-Lieu Contribution for Car Parking Policy - Draft Policy, the shortfall of 2.744 car bays shall be provided by way of a total cash-in-lieu contribution of \$8232"; and

(ii) Silverleaf Investments Pty Ltd be advised that the Fresh Provisions site does not have a surplus car parking figure as a result of condition (iv) being rescinded by the Council."

An extract from the Council Minutes explaining the car parking situation is as follows:

"The Council land previously accommodated 19 car bays and a single residential dwelling. Following the sale of the residual land, the demolition of the dwelling and the construction of the new car park, 41 car bays were accommodated on Lot 62. Effectively, an additional 7 bays were realised within the Council owned portion of the land by the redevelopment at Silverleaf's cost. It is noted that the redesign and redevelopment works on the Council owned land is conservatively estimated by the Councils Technical Services at \$20 479. As such, it would be reasonable to conclude that, given the cost expended by Silverleaf to reconfigure the Council car parking resulting in an additional seven (7) bays, the cash-in-lieu contribution of \$8232 imposed on Silverleaf for 2.744 car bays (Council meeting held 11 August 1997) would be waived.

The applicant should be advised however, that the reconfiguration of Council's car park resulting in an additional 7 bays, does not effect a surplus figure on the Fresh Provisions site. The rescinding of the cash-in-lieu contribution is considered on the basis of the cost for the works carried out, not on the additional bays created."

8 December 1997 The Council at its Ordinary Meeting resolved the following:

"that the Council authorise the Chief Executive Officer to prepare an agreement with Silverleaf Investments Pty Ltd to enforce car parking restrictions on Lot 200 Grosvenor Road and Lot 62 Walcott Street, Mt Lawley in conjunction with use of the Council's Raglan Road Car park."

25 May 2004 The Council at its Ordinary Meeting resolved to refuse an application for a proposed bin storage area within the existing car park at adjoining lot No. 8 (Lot 200) Grosvenor Road, Mount Lawley, for the following reason:

1. *The proposal is no consistent with the orderly and proper planning and the preservation of the amenities of the locality, mainly due to the undue impact of the activities and externalities associated with bin storage area on the adjacent residential properties.*

The Council also advises the applicant that it is prepared to give consideration to a development proposal, which demonstrates the proposed bin storage area being located adjacent to the commercial properties at Nos. 71 - 77 Walcott Street."

22 June 2004 The Council at its Ordinary Meeting resolved to conditionally approve development application at Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley for proposed bin storage area additions to existing shops.

DETAILS:

The proposal involves alterations to this existing eating house. The applicant seeks to refurbish the existing eating house (Dome Café) including the façade of the eating house facing Walcott Street. The application also includes alterations to existing signage (projecting sign). 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
Projecting Sign	Maximum vertical dimension of 600 millimetres	750 millimetres	Supported - given its context to the scale of the awning and alteration to existing signage.
Mount Lawley Centre Precinct: General	Maximum Glazing to the street and ground level.	Glazing begins at 9 courses from ground level	Supported- traffic noise and pollution, perceived safety of customers and location of bollards; glazed area starts at bollard level.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Mount Lawley Centre Precinct: Street Front Openings	A minimum of 40 per cent of the wall area facing a street is to be devoted to glazing	Glazed area when byfolding windows are closed is 21.5 per cent Open area when glazed byfolding windows are open is 32.8 per cent.	Supported - traffic noise and pollution, perceived safety of customers and location of bollards; glazed area starts at bollard level.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) (In light of the history of car parking on site, there appears to be no current surplus or shortfall)			5 car bays for proposed additional public area (21.27 square metres)
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) ▪ 0.90 (within District Centre zone) 			(0.612) 3.06 car bays
Minus car parking on site			Nil for proposed additional public area
Minus the most recently approved on site parking shortfall			Nil for proposed additional public area
Resultant shortfall			3.06 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:

Heritage

The subject building is included on the Town's Municipal Heritage Inventory. The proposed alterations are confined to existing fenestration and do not propose any further openings. The signage is existing and the proposed internal alterations are considered acceptable. The application is therefore supported.

Summary

Advertising of the proposal was not considered necessary as the whole development on Nos. 71-77 (Lot 62) Walcott Street is under the same ownership. The application is also being referred to Council for its consideration and determination. In considering the proposed car parking shortfall, the Town's Officers support the provision of a cash-in-lieu contribution of \$7,650.

When assessing the application, due consideration was given by the Town's Officers to the applicant's written and verbal justification for a decrease in the Town's glazing requirements.

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

10.1.12 No(s). 474 (Lot(s) 100) William Street Corner Bulwer Street, Perth - Proposed Three-Storey Mixed Use Development Comprising Offices and Six (6) Two-Storey Grouped Dwellings

Ward:	South	Date:	30 November 2004
Precinct:	Hyde Park; P12	File Ref:	PRO0508; 00/33/2410
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Calvin Koh Architects (Aust) Pty Ltd on behalf of the owner KHH (Aus) Ventures Pty Ltd for proposed Three-Storey Mixed Use Development comprising Offices and Six (6) Two-Storey Grouped Dwellings, at No(s). 474 (Lot(s) 100) William Street, Corner Bulwer Street, Perth, and as shown on plans stamp-dated 16 August 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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);*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$10,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) subject to first obtaining the consent of the owners of Nos. 470-472 (Lot 9) William Street and No 155 (Lot 4) Bulwer Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 470-472 (Lot 9) William Street and the brick fence along the common boundary with No 155 (Lot 4) Bulwer Street in a good and clean condition;*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) brick wall fence to a height of 2.4 metres being built along the driveway to the eastern boundary of the development site;*

- (b) the proposed security gate along the Bulwer Street frontage being a minimum 50 percent visually permeable when viewed from the street;*
- (c) the height of the building being reduced to a maximum of 10 metres; and*
- (d) the corner component of the development incorporating design elements to define and accentuate the corner and create a landmark feature without increasing the height above 10 metres 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;

- (vii) prior to the first occupation of the development, two (2) class- one or two bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) 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";

- (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 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;*
- (xi) doors and windows and adjacent floor areas fronting William Street and Bulwer Street shall maintain an active and interactive relationship with these streets;*
- (xii) prior to the first occupation of the development, twelve (12) car parking spaces provided for the residential component of the development, including two (2) visitors 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;*
- (xiii) the maximum gross floor area for the office use shall be limited to 350 square metres unless adequate car parking is provided for the changes in floor space area;*
- (xiv) 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 \$14,000 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;*

- (xv) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of William and Bulwer Streets;*
- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvii) *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;*
- (xviii) *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;*
- (xix) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence; and*
- (xx) *the proposed vehicular entry gates adjacent to Bulwer Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily 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;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 9.16pm.

Moved Cr Lake, Seconded Cr Cohen

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

"(xxi) before development commences, a site assessment shall be undertaken to the satisfaction of the Town on advice from the Department of the Environment to determine whether acid sulphate soils or potential acid sulphate soils are present on the land and if present, their extent and severity. If the site is found to contain acid sulphate soils or potential acid sulphate soils, an acid sulphate soil management plan shall be submitted to and approved by the Town on advice from the Department of the Environment;"

Debate ensued.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.12

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Calvin Koh Architects (Aust) Pty Ltd on behalf of the owner KHH (Aus) Ventures Pty Ltd for proposed Three-Storey Mixed Use Development comprising Offices and Six (6) Two-Storey Grouped Dwellings, at No(s). 474 (Lot(s) 100) William Street, Corner Bulwer Street, Perth, and as shown on plans stamp-dated 16 August 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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);*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$10,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) subject to first obtaining the consent of the owners of Nos. 470-472 (Lot 9) William Street and No 155 (Lot 4) Bulwer Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 470-472 (Lot 9) William Street and the brick fence along the common boundary with No 155 (Lot 4) Bulwer Street in a good and clean condition;*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) brick wall fence to a height of 2.4 metres being built along the driveway to the eastern boundary of the development site;*
 - (b) the proposed security gate along the Bulwer Street frontage being a minimum 50 percent visually permeable when viewed from the street;*
 - (c) the height of the building being reduced to a maximum of 10 metres; and*

- (d) *the corner component of the development incorporating design elements to define and accentuate the corner and create a landmark feature without increasing the height above 10 metres 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;

- (vii) *prior to the first occupation of the development, two (2) class- one or two bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *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";

- (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 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;*
- (xi) *doors and windows and adjacent floor areas fronting William Street and Bulwer Street shall maintain an active and interactive relationship with these streets;*
- (xii) *prior to the first occupation of the development, twelve (12) car parking spaces provided for the residential component of the development, including two (2) visitors 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;*
- (xiii) *the maximum gross floor area for the office use shall be limited to 350 square metres unless adequate car parking is provided for the changes in floor space area;*
- (xiv) *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 \$14,000 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;*
- (xv) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of William and Bulwer Streets;*

- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvii) *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;*
- (xviii) *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;*
- (xix) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence;*
- (xx) *the proposed vehicular entry gates adjacent to Bulwer Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily 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; and*
- (xxi) *before development commences, a site assessment shall be undertaken to the satisfaction of the Town on advice from the Department of the Environment to determine whether acid sulphate soils or potential acid sulphate soils are present on the land and if present, their extent and severity. If the site is found to contain acid sulphate soils or potential acid sulphate soils, an acid sulphate soil management plan shall be submitted to and approved by the Town on advice from the Department of the Environment;*

to the satisfaction of the Chief Executive Officer.

Landowner:	KHH (Aus) Ventures Pty Ltd
Applicant:	Calvin Koh Architects (Aust) Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban and abutting Other Regional Roads (ORRs), (William and Bulwer Streets) Town Planning Scheme No.1 (TPS 1): Commercial and abutting ORR.
Existing Land Use:	Vacant Lot
Use Class:	Office Building & Grouped Dwellings
Use Classification:	"P & AA"
Lot Area:	1022 square metres
Access to Right of Way	N/A

BACKGROUND:

The Town has considered various planning applications for mixed used developments at the above site. The most recent application was considered and refused at the Ordinary Meeting of Council on 4 November 2003, for a three (3)-storey mixed use development comprising offices and eight (8) grouped dwellings.

DETAILS:

The current proposal involves the construction of a three-storey mixed use development comprising offices and six (6) two-storey grouped dwellings. The applicant has also proposed an awning within the front setback area along Bulwer and Fitzgerald Streets, which is considered to enhance and contribute positively to the streetscape. 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	R 80, however previous R60 is to be used for grouped dwellings – 6.13 grouped dwellings	R60 -6 grouped dwellings.	Supported-no variations involved.
Plot Ratio	0.65 -664.3 square metres	0.67 -685.59 square metres	Supported- the development as designed would benefit the area without undue adverse impact to the surround amenity, in terms of bulk and scale.
Height of Building	10 metres	10.9 metres	Not Supported- there is opportunity to comply with the 10 metres height limit associated with three (3) storey buildings with concealed roofs.
Bulwer Street-Setback for Ground and Upper Floors	3.2 metres	“Nil”	Supported- the reduced setbacks do not result in any undue overshadowing issues. The variations will allow the buildings to address the street and reinforce the traditional relationship of the development to the street, which includes a "nil" setback to the corner of Bulwer and William Streets.

Consultation Submissions		
Support (1)	Department for Planning and Infrastructure (DPI), has advised as follows: <ul style="list-style-type: none"> • No requirements for the ORRs. • No objections to the proposal 	<ul style="list-style-type: none"> • Noted.
Comment (1)	<ul style="list-style-type: none"> • Adjoining landowner to the east requested clarification to angle of vision from the upper floor levels towards the eastern and southern elevations. • Whether wall height of 1.8 metres along the eastern boundary could be increased higher to 2.4 metres for security, noise and pollution reasons due to the driveway accessways to the development site being proposed along the eastern side. 	<ul style="list-style-type: none"> • Noted-the cone of vision complies with the R Codes. • Supported-a condition is recommended for the wall height to be increased to 2.4 metres, which has been agreed between the adjoining landowner and the applicant/owners of the subject site.
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.

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for grouped dwellings from the Residential Design Codes (R Codes). The residential component requires 12 car bays, and 2 visitor car bays. A total of 14 car bays have been allocated for the residential uses.

A total of 18 car bays have been provided for the entire development, therefore resulting in four (4) car bays available for the commercial component.

Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number) Office-1 car bay per 50 square metres gross floor area (proposed 350 square metres)	7 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) 	(0.578) 4.046 car bays

Requirements as per Parking and Access Policy	Required
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of an existing public car park with in excess of 75 car bays) ▪ 0.85 (within 400 metres of a bus stop) 	
Car parking provided on site for commercial component	4 car bays
Resultant shortfall	0.046 car bays

As the shortfall is less than 0.5 car bay, no cash in lieu is applicable.

Bicycle Parking Facilities

Requirements	Required	Provided
Office		
1 per 200 (proposed 350) square metres public area for employees (class 1 or 2).	1.75 spaces	No bicycle parking shown on plans
1 space per 750 square metres over 1000 square metres for visitors.	N/A	N/A

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of two (2) class 1 or 2 bicycle parking bays rounded to the nearest whole number. As such, an appropriate condition should be applied accordingly.

No end of trip facilities is required pursuant to the Town's Policy relating to Parking and Access.

COMMENTS:

For mixed use developments within areas where multiple dwellings are not allowed, where residential development are proposed above ground floor commercial development, these developments can be considered as either grouped or multiple dwellings. The proposed overshadowing of the southern adjoining property is 13.5 percent in lieu of 50 percent. The majority of the variations are considered to adequately address the relevant performance criteria in the R Codes and the Town's Policies. It should be highlighted that the R Codes were developed to be performance based, and to allow a flexible approach to development, if the applicants can demonstrate that the proposal meets the relevant performance criteria in the R Codes and the Town's Policies.

Clause 40 of TPS No.1 allows the Council to consider variations, and determine whether the variations are likely to unduly affect any owners or occupiers. The proposal has also been advertised, and one neighbour submission has been received. The variations sought are considered to not unduly affect the amenity of the area.

The upgrading of the streetscape that would be required as a part of the proposal would also greatly improve the streetscape and visual amenity of the area.

The proposal is supported, as it is not considered to unreasonably affect the amenity of the adjacent or surrounding properties. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development.

10.1.14 No(s). 36 (Lot 33) Ruth Street, Dual Frontage with Edith Street, Perth - Proposed Two (2) Two-Storey Single Houses

Ward:	South	Date:	29 November 2004
Precinct:	Hyde Park; P12	File Ref:	PRO2657; 00/33/2533
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 J Corp Pty Ltd on behalf of the owner E Risteska for proposed Two (2) Two-Storey Single Houses, at No. 36 (Lot 33) Ruth Street, Dual Frontage with Edith Street, Perth, and as shown on plans stamp-dated 18 October 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the density, plot ratio, building setback, open space and privacy, access and car parking width requirements of the Residential Design Codes; and*
- (iii) the non-compliance with the garage and first floor setback requirements of the Town's Policies relating to street setbacks and Robertson Locality, respectively.*

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

LOST (3-6)

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

Reasons:

1. Locality can support the development.
2. No reduction in amenity to adjoining landowners/residents.

Cr Lake requested her dissent to Reason (2) be recorded.

ALTERNATIVE RECOMMENDATION:

Moved Cr Ker, Seconded Cr Farrell

That the following alternative recommendation be adopted.

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Corp Pty Ltd on behalf of the owner E Risteska for proposed Two (2) Two-Storey Single Houses , at No(s). 36 (Lot(s) 33) Ruth Street Dual Frontage with Edith Street, Perth, and as shown on plans stamp-dated 18 October 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 40 and No. 34 Ruth 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. 40 and No. 34 Ruth Street in a good and clean condition, in consultation with the affected landowner; and*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Ruth Street and Edith Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer."

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

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

"(iv) the carport of Unit 1 adjacent to Ruth Street shall be one hundred (100) per cent open on all sides and at all times, except where it abuts the main dwelling building wall(s);"

AMENDMENT CARRIED (7-2)

For

Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Lake
Cr Ker
Cr Torre

Against

Mayor Catania
Cr Franchina

Moved Cr Lake, Seconded Cr Cohen

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

"(v) the garage of Unit 2 adjacent to Edith Street shall be a carport and one hundred (100) per cent open on all sides and at all times, except where it abuts the main dwelling building wall(s);"

Debate ensued.

AMENDMENT CARRIED (5-4)

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

Debate ensued.

MOTION AS AMENDED CARRIED (6-3)

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

COUNCIL DECISION ITEM 10.1.14

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Corp Pty Ltd on behalf of the owner E Risteska for proposed Two (2) Two-Storey Single Houses , at No(s). 36 (Lot(s) 33) Ruth Street Dual Frontage with Edith Street, Perth, and as shown on plans stamp-dated 18 October 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 40 and No. 34 Ruth 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. 40 and No. 34 Ruth Street in a good and clean condition, in consultation with the affected landowner;*

- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Ruth Street and Edith Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) *the carport of Unit 1 adjacent to Ruth Street shall be one hundred (100) per cent open on all sides and at all times, except where it abuts the main dwelling building wall(s); and*
- (v) *the garage of Unit 2 adjacent to Edith Street shall be a carport and one hundred (100) per cent open on all sides and at all times, except where it abuts the main dwelling building wall(s);*

to the satisfaction of the Chief Executive Officer."

Landowner:	E Risteska
Applicant:	J Corp Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	324 square metres
Access to Right of Way	N/A

BACKGROUND:

- 11 May 2004 Council at its Ordinary Meeting deferred consideration of an application for the demolition of existing single house and construction of two (2) two-storey single houses.
- 25 May 2004 Council at its Ordinary Meeting conditionally approved the demolition of existing house, and refused the construction of two (2) two-storey single houses.
- 24 November 2004 The Town's Officers met with the owners and advised that the subject proposal cannot be supported due to the extent of variations. The owners requested the proposal to be referred to Council for determination.

DETAILS:

The proposal involves construction of two (2) two-storey single houses. The proposal differs from the previous refused proposal mainly in terms of an increased building setback for the family room of Unit 1, the addition of a garage on the eastern boundary of Unit 1, the change of location for the garage of Unit 2 to the eastern boundary and the removal of the alfresco area of Unit 2. 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	R80 - Single House as per R60 - 1 dwelling	R61.73 - 2 dwellings - 11.11% density bonus	Not Supported - over-development of site
Plot Ratio: Unit 1	0.65 - 104 square metres	0.89 - 142.4 square metres	Not Supported - over-development of site
Unit 2	0.65 - 104 square metres	0.88 - 140.8 square metres	Not Supported - over-development of site
Setbacks: Unit 1- East	3.6 metres	1 metre	Not Supported - undue impact on neighbour and streetscape
West (Ground Floor)	1 metre	0 metre	Supported - compliant with building on boundary R Code requirement and neighbours have given consent
East (Garage)	1 metre	0 metre	Supported - compliant with building on boundary R Code requirement and neighbours have given consent
South/Ruth Street (First Floor)	6 metres	2.4 metres	Not Supported - undue impact on streetscape
South/Ruth Street (Garage)	6 metres or behind main building line	0 metre	Not Supported - undue impact on neighbours and streetscape, excessive variations
Unit 2- East(Building on Boundary)	Maximum height 3.5 metres with average height 3 metres	Average height 3.2 metres	Not Supported
East	3.9 metres	1 metre	Not Supported
West (First Floor)	2.8 metres	1 metre	Not Supported

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
North/Edith Street (Garage)	6 metres or behind main building line	0 metre	Not supported - undue impact on neighbours and streetscape, excessive variations
South (ground Floor)	1.5 metres	1.2 metres	Supported - minor variation and internal boundary
Building on Boundary: Unit 1	Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary	Building on boundary to two boundaries (east ground floor and west ground floor)	Supported - neighbours on both boundaries have given written consent
Open Space: Unit 1	45%	33%	Not Supported - over-development of the site, excessive variation
Unit 2	45%	30%	Not Supported - over-development of the site, excessive variation
Internal Width of Garage: Unit 1	5.6 metres	5.2 metres	Not Supported - insufficient width for two cars
Unit 2	5.6 metres	5.0 metres	Not Supported - insufficient width for two cars
Vehicular Access: Unit 1	Not to occupy more than 40% of the frontage of the property	52%	Not Supported - undue impact on streetscape, excessive development of site
Unit 2	Not to occupy more than 40% of the frontage of the property	47%	Not Supported - undue impact on streetscape, excessive development of site

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Privacy: Unit 1- First Floor Master Suite (North)	Bedrooms setback 4.5 metres from boundary or suitably screened.	4 metres to northern boundary	Supported - considered a minor variation, neighbours have given written consent
Unit 2- First Floor Master Suite (North)	As above	3.7 metres to western boundary	Supported - neighbours have given written consent
First Floor Bedroom Three (South East)	As above	2.5 metres to eastern boundary	Supported - neighbours have given written consent
First Floor Bedroom Three (South)	As above	3.1 metres to southern boundary	Supported - neighbours have given written consent
First Floor Bedroom Two (South west)	As above	2.2 metres to western boundary	Supported - neighbours have given written consent
First Floor Bedroom Two (South)	As above	3.1 metres to southern boundary	Supported - neighbours have given written consent
Consultation Submissions			
No Advertising necessary as affected neighbours have signed the plans stating no objection.			
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:

This proposal involves major variations to the Town's requirements relating to density, plot ratio, setbacks, access, garage location and size, open space, internal width of garage and privacy.

In light of the number and extent of the above variations, it is recommended that this proposal be refused.

10.1.15 No(s). 40 (Lot(s) 42) Forbes Road (Corner Moir Street), Perth - Proposed Street and Side Wall/Fence Addition to Existing Single House

Ward:	South	Date:	30 November 2004
Precinct:	Hyde Park: P12	File Ref:	PRO3005; 00/33/2579
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 REFUSES the application submitted by the owner CA Findlay for proposed Street and Side Wall/Fence Addition to Existing Single House, at No(s). 40 (Lot(s) 42) Forbes Road (corner Moir Street), Perth, and as shown on plans stamp-dated 11 November 2004 (Site Plan) and 30 November 2004 (Elevations), for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policy relating to Brookman and Moir Streets Development Guidelines.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted subject to the existing recommendation being renumbered to clauses (i)(a) and (b) and a new clause (ii) added as follows:

- "(ii) the Council ADVISES the applicant/owner(s) that the Town is prepared to consider a planning application for a solid fence of an alternative material that is compatible to materials representative of the heritage significance of the area. This fence shall be provided to private open space only, whilst the fence within the primary front setback area shall be compliant with the Town's Brookman and Moir Streets Development Guidelines."*

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.15

That;

- (i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner CA Findlay for proposed Street and Side Wall/Fence Addition to Existing Single House, at No(s). 40 (Lot(s) 42) Forbes Road (corner Moir Street), Perth, and as shown on plans stamp-dated 11 November 2004 (Site Plan) and 30 November 2004 (Elevations), for the following reasons:*
 - (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*

- (b) *the non-compliance with the Town's Policy relating to Brookman and Moir Streets Development Guidelines; and*
- (ii) *the Council ADVISES the applicant/owner(s) that the Town is prepared to consider a planning application for a solid fence of an alternative material that is compatible to materials representative of the heritage significance of the area. This fence shall be provided to private open space only, whilst the fence within the primary front setback area shall be compliant with the Town's Brookman and Moir Streets Development Guidelines.*

Landowner:	CA Findlay
Applicant:	CA Findlay
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R25
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	296 square metres
Access to Right of Way	N/A

BACKGROUND:

30 November 2004 The Town's Officers advised the owner that the subject proposal cannot be supported due to the non-compliance with the Town's Brookman and Moir Streets Development Guidelines. The owners requested the proposal to be referred to Council for determination.

DETAILS:

The proposal involves the construction of a new street wall and side fence of colourbond construction. It is noted the subject site falls within of the area the subject of the Brookman and Moir Streets Development Guidelines. 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
Brookman and Moir Streets Development Guidelines	Open picket, post rail and wire, masonry and open fences are all permitted	Solid colourbond fence	Not Supported - as material not permitted, other applications along street have retained timber fencing material and unduly affect the amenity of the area.
Consultation Submissions			
Support		N/A	N/A
Objection		N/A	N/A

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

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

COMMENTS:

It is noted the proposal was not required to be advertised and, in light of the above, the proposed colourbond fencing is not considered supportable and subsequently is recommended for refusal.

10.2.1 Further Report - Proposed Bus Priority on Alexander Drive at the Walcott Street and Fitzgerald Street Intersection, North Perth

Ward:	North	Date:	25 November 2004
Precinct:	North Perth P8	File Ref:	TES0178
Attachments:	001		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on Proposed Bus Priority on Alexander Drive at the Walcott Street and Fitzgerald Street Intersection, North Perth; as shown on attached Plan "Figure 2", and*
- (ii) *NOTES that the Public Transport Authority has agreed to the following as requested by the Town:*
 - (a) *cyclists being legally allowed to use the bus lane;*
 - (b) *a cycle safety audit of the final proposal being carried out.*

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

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

"(iii) RECLARIFIES with the Public Transport Authority that it supports an advance green light rather than a totally separate bus phase."

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the further report on Proposed Bus Priority on Alexander Drive at the Walcott Street and Fitzgerald Street Intersection, North Perth; as shown on attached Plan "Figure 2", and*
- (ii) *NOTES that the Public Transport Authority has agreed to the following as requested by the Town:*
 - (a) *cyclists being legally allowed to use the bus lane;*
 - (b) *a cycle safety audit of the final proposal being carried out; and*

- (iii) ***RECLARIFIES with the Public Transport Authority that it supports an advance green light rather than a totally separate bus phase.***
-

BACKGROUND:

As previously reported to Council on 9 August 2004, a letter was received from the Public Transport Authority (PTA) advising the Town that concepts had been prepared for modifications to the Alexander Drive, Walcott Street and Fitzgerald Street intersection to accommodate a proposed bus priority lane.

The PTA requested that prior to commencing with the preparation of a detailed design they would like to obtain formal approval of the preferred option from the stakeholders, including the Town of Vincent.

A report on the matter was subsequently considered by the Council at its Ordinary Meeting held on 14 September 2004, where the following was decided:

"That the Council;

- (i) *RECEIVES the report on Alexander Drive Proposed Bus Priority at the Walcott Street and Fitzgerald Street Intersection North Perth;*
- (ii) *APPROVES in principle the proposal called Option 2 as outlined on attached Plan "Figure 2" subject to:*
 - (a) *cyclists being legally allowed to use the bus lane;*
 - (b) *a cycle safety audit of the final proposal being carried out; and*
 - (c) *buses having an advance phase in the traffic signals; and*
- (iii) *RECEIVES a progress report on the proposal as further information is presented to the Town."*

DETAILS:

In accordance with the Council's decision, the Town's officers wrote to PTA and on 15 October 2004 met with officers from PTA, Main Roads WA, City of Stirling and PTA's consultants Sinclair Knight Mertz (SKM).

The following matters were discussed at the meeting:

Town of Vincent requested that cyclists be allowed to use the bus lane

It was discussed and agreed that cyclists would be allowed to travel in this bus lane as:

- There is currently no viable alternative for cyclists to traverse the intersection, and
- The bus lane is short and cyclists are unlikely to delay buses over this short distance.

Town of Vincent requested that buses be provided with an advance phase in the traffic signals

It was decided that an additional bus phase will not be provided at this stage:

- SKM officers explained that a traffic analysis had been done and showed that the intersection has traffic queues back to Woodlands Street in the am peak. An additional phase for buses would increase the queue length and prevent buses from getting into the bus lane and create further delays.
- SKM officers further considered that an additional bus phase would be detrimental to buses in non-peak periods, as buses would be stopped and forced to wait for a bus phase.

Town of Vincent requested that a cycle safety audit of the final proposal be carried out

Discussed and agreed that a cycle safety audit would be done as part of the overall road safety audit.

Town of Vincent requested that PTA provide a progress report as the project progresses

Discussed and agreed.

City of Stirling requested that a "Keep Clear" marking be provided at Rookwood Street

Discussed and agreed.

City of Stirling requested that the kerbing be adjusted at Rookwood Street

Discussed and agreed.

Next Step

It was discussed and agreed that PTA would advise City of Stirling and Town of Vincent of the above changes to the project and that the detailed design for the works would be progressed on that basis.

A letter was received on 26 October 2004 confirming all of the above (including advising that an additional bus phase would not be implemented). The letter also advised that the PTA:

*..... will now proceed with the road safety audit and development of the detailed design.
The Town of Vincent will be kept informed as the project progresses.*

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "o) Investigate and implement traffic management improvements."

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

It is recommended that the Council receives the further report on the Proposed Bus Priority on Alexander Drive at the Walcott Street and Fitzgerald Street Intersection and notes that they have agreed to cyclists being legally allowed to use the bus lane and to carrying out a cycle safety audit of the final proposal as requested by the Town.

10.3.2 Seniors Strategy - Progress Report

Ward:	Both	Date:	1 November 2004
Precinct:	All	File Ref:	CMS0089
Attachments:	-		
Reporting Officer(s):	J Anthony/M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report on the Seniors Strategy.

COUNCIL DECISION ITEM 10.3.2

Cr Cohen departed the Chamber at 9.40pm

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

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu congratulated the Officers for their hard work in this matter. Mayor Catania endorsed these comments.

Cr Cohen returned to the Chamber at 9.42pm.

CARRIED (9-0)

BACKGROUND:

The Town of Vincent has conducted two studies into the needs of seniors in the Town in August through to November 2000. The first study entitled "The Seniors Centre Feasibility Study" outlined an investigation into the various services that are currently offered in the Town of Vincent in August 2000. The second study entitled "Seniors Services: Current Service Provision and Community Vision" was prepared in November 2000.

The following recommendation was adopted.

"That the Council;

- (i) authorises the Chief Executive Officer to proceed with the development of a seniors strategy in consideration to the concept outlined by the Curtin University proposal and the two previous studies conducted by the Town of Vincent; and*
- (ii) calls for quotes to prepare the strategy and invites Curtin University to quote."*

At the Ordinary Council Meeting on 26 February 2002 Cr Doran-Wu raised a Notice of Motion as follows:

“That the Council;

- (i) authorises the Chief Executive Officer to establish a Reference Group for Seniors' matters;*
- (ii) requests the Chief Executive Officer to submit a report to the next Council Meeting on the Terms of Reference, Composition and other relevant matters and including;*
 - (a) composition to consist of three Elected Members, representatives of the Aged Care and Multicultural Industry, State Government and relevant staff; and*
 - (b) current and future development of all aspects of the Town's services, strategies and policies relating to Seniors;*
- (iii) calls for nominations from Elected Members for the proposed Group at the next Council Meeting;*
- (iv) authorises the Chief Executive Officer to advertise and call for nominations from interested members of the public and to submit a further report to Council; and*
- (v) requests the Chief Executive Officer to convene the first meeting of the Group at the earliest convenience.”*

The reference group was established at the Ordinary Council Meeting of 12 March 2002 with community representatives appointed at the meeting of 14 May 2002.

The Terms of Reference for this study were as follows:

Stage 1 involves the following:

1. Review and define the demographic characteristics of the seniors' population in the Town of Vincent.
2. Identify and describe the service needs of seniors within the Town of Vincent from previous studies and government.
3. Identify and describe examples of best practice from the literature and studies of other communities.
4. Identify and evaluate options and choices regarding roles for the Town of Vincent (in-house) and roles for other agencies and services (external).
5. Provide an assessment of the strengths and weaknesses of various program options already under consideration.
6. Identify gaps in services in relation to proposed Strategy.

The project will incorporate the following:

1. Take a broad view of services, to include eg. housing, transport and community activities, but not to include income support.
2. Build on the work already completed by the Community Development Section of the Council, using internal expertise and knowledge as available.
3. Take particular notice of programs already under discussion, including:
 - Acquisition of a community bus;
 - Development of a multi-use facility;
 - Management of the retirement village;
 - Services already available through the Town of Vincent;
 - Services already provided by private contractors;
 - Balance between a service delivery role and referral agency role.

Curtin University produced a report titled "Building a Converted Community which was reported to the Council meeting of 13 August 2002.

"That the Council;

- (i) receives the report from Curtin University (Centre for Research into Aged Care Services) titled "Building a Connected Community" A Strategy for Services for Seniors in the Town of Vincent as "Laid on the Table";*
- (ii) refers the report to the Seniors Advisory Group for comment; and*
- (iii) requests the Chief Executive Officer to prepare a further report in regard to the recommendations outlined in Stage 1 of this project and the direction to be pursued in Stage 2."*

The report included the following:

- Reviewed relevant International, National and State policies and positions,
- Reviewed implications for Local Government,
- Analysed population characteristics of Town of Vincent,
- Examined options and approaches to service delivery,
- Identified a *Strategy* for determining future directions.

The report proposes two approaches:

Approach One – Building a Community

Resolve to build a connected community by adopting policies and practices that promote and support 'active ageing' across all aspects of the Town and across all generations. This approach will focus on connecting the Town of Vincent with the community of older people rather than building structures specifically for older people.

Approach Two

Resolve to establish new purpose-built buildings, structures and services within the Town for Older People to provide a central, identifiable location for older people. This approach will focus more on making modification to what exists, or building new structures to create focal points within the precinct.

It also recommended the next steps to be taken in the process.

1. Analyse 2001 census data for Town of Vincent in areas of particular interest and priority.
2. Complete a service knowledge/awareness and service needs assessment of people over 55 years living in the Town of Vincent.
3. Review attitudes and approaches towards older people taken by businesses/service providers within the locality to determine congruence with Town of Vincent overall approach.
4. Determine and document a preferred overall approach to better meet the needs of older people either from those suggested within this report, or following further inquiry.
5. Review all Town of Vincent policies and procedures in line with the overall approach to present a 'message' to the community.
6. Develop an 'active ageing' marketing package for businesses and services.
7. Develop an 'active ageing' community information strategy to advise people living with the Town of Vincent.

8. Produce short and long term target outcomes, develop action plans and determine an evaluation strategy.

DETAILS:

Following the release of the Curtin University report. The Town Officers worked in conjunction with the university to prepare a demographic profile of the senior population of the Town of Vincent.

This work was completed with the demographic profile completed in May 2003.

Overall there had been a 6.7% increase in the Town's population since the previous census in 1996.

There had however been a greater than average increase in the 75+ age range (10.0%) mainly in the 75 – 84 range (14.1%).

A substantial increase in the 45 – 54 age range (33.0%) therefore increase in this range in the future.

Policy implications:

Increasing emphasis needed on policies to support the continued independence of younger seniors whilst ensuring that adequate support services available for older more dependent seniors.

Approximately 20% of the Town's population is 55+ with the greatest number living in North Perth.

Policy implication:

It is important to take into account the location of seniors in the Town.

English is the most common language spoken at home for those 55+ but of this population nearly 30% speak Italian at home.

Policy implication:

Increase in the number of non-English speaking senior's means that increasing attention needs to be paid to the different needs of seniors from different cultural backgrounds.

Proportion of people living alone increases with age whilst constant moves from 1 in 4 for the 45 – 54 to in excess of 1 in 3 in the range 75+.

Policy implication:

Seniors living alone particularly those aged 75+ are especially vulnerable to losing their independence and therefore particular attention needs to be paid to assessing their needs.

Following the analysis of the census data and understanding of the demographic profile of the seniors of the Town the focus was return dot gaining the input of the seniors into the study.

A model has been developed to do this based on a successful project undertaken in Busselton with their senior's population.

The basis of the model is as follows:

Stage 1 Questionnaire

Identify and prioritise barriers to maintaining independence through the use of a questionnaire.

Stage 2 Group workshops

- Step 1 Breakdown the priority barriers into specific issues.
- Step 2 Participants choose a specific issue that they would like to work on
- Step 3 restating the issue as a goal
- Step 4 Identifying strategies to meet goal
- Step 5 Select favoured strategies
- Step 6 Develop and action plan

Stage 3 Implementation of the Action Plan

Stage 4 Evaluation of the Action Plan

The Town's officers developed in conjunction with Curtin University a Senior Friendly Community Survey.

The survey was piloted by the Town's own Vincent Seniors Group to ascertain if it was relevant and valid for the seniors of the Town.

The survey was sent out on the 1 and 12 December with a return date of the 22 December 2003.

Approximately 4500 surveys were distributed with approximately 1000 being returned with 183 people advising that they wished to participate in the Focus Groups.

Curtin University and the Town's officers provided a draft report on the outcome of the survey in March 2004 with the final report prepared in June 2004 (report is attached).

The final response was 682 which was 15% of the surveys sent out; however it is broadly representative of the Town according to suburb age group and sex. As anticipated, it was under-representative of non-English speaking seniors.

The topic that was the most important to the senior in both the importance and satisfaction was Personal/ Home Safety.

The other topics considered to be worthy of consideration for inclusion in workshops were:

- Transport
- Attitudes towards seniors
- Physical Access
- Home Support

Following the completion of the survey the Model for the Outline for Stage 2 - Focus Group consultation, the process was revamped together with the timetable plan for creating a "Senior Friendly Community".

Stage 1 of the model involved identifying and prioritising barriers to maintaining independence of seniors. This stage involved the distribution of a questionnaire to all residents in the Town of Vincent aged over 45.

Stage 2 Group Workshops

Step 1 Breaking down the priority barriers into specific issues.

The following priority issues have been identified by the survey:

- Personal/Home Safety
- Physical Access
- Attitude towards seniors
- Transport
- Home Support

This stage is to be carried out with key groups made up of the interested survey respondents that have provided details. Groups are to be chosen carefully so that people from culturally and linguistically diverse backgrounds and people with disabilities are able to participate.

The priority issues raised in Stage 1 as a result of the survey are quite broad and general. Step 1 of Stage 2 will involve working with groups to break down these large issues into smaller more specific and manageable issues. The groups will be facilitated so that the issues are examined in detail and group members are able to express their views and participate equally.

Step 2 Participants choose a specific issue that they would like to work on.

This stage involves the allocation of meetings to deal with specific issues.

The first one is on Personal/ Home Safety.

Facilitators and scribes will assist the group to consider the following questions in relation to the specific issue.

- Why is it an issue?
- How many people are affected by the issue?
- Where are the people located?
- When is the issue of concern?

Participants who are from a non-English Speaking background.

To this end given the high proportion of non-English speaking seniors, the Town's officers are meeting with the relevant community organisations to ensure their contribution in this process.

Community Development officers worked hard to arrange these sessions and have met with a number of Community Groups within communities including, to date, the Italian, Macedonian, and Vietnamese community.

The first workshop on Personal/Home Safety was held on 17 November 2004 at the Town's Administration and Civic Centre. The Community Development officers liaised with the Safer Vincent Co-ordinator to organise the format and content of this workshop.

The workshop was extremely well received and considered to be an outstanding success. Approximately seventy (70) seniors attended the workshop. The format for the workshop included:

- an introduction by the Mayor
- an outline of the Seniors Study
- the current resources provided by the Town for seniors personal and home safety
- a talk on crime statistics and breaking down perceptions by the Sergeant at Leederville Police Station
- a presentation of information on Home and Personal Safety by a Senior Sergeant from Leederville Police
- facilitation of issues on Home and Personal Safety

For the facilitation the group were arranged into small groups under the eye of a facilitator for the seniors to provide comments on the main issues they thought were important regarding Home and Personal Safety. They were then asked to vote on the ones they thought were the most important. The Manager Community Development has prepared a draft interim report on the findings.

It is proposed to hold further workshops which will be undertaken early in the New Year.

The work is behind the initial schedule plan for the creation of the Senior Friendly Community but we are now making good progress with a revised schedule.

CONSULTATION/ADVERTISING:

A survey was distributed to all seniors in the Town over the age of 45.

Ongoing consultation with senior's groups in the Community will be undertaken and workshops and events thoroughly advertised.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 - Key Result Area 2.4

“Provide a range of community programs”

- a) *Undertake social research and a community needs survey and review existing projects in light of survey results.*
- b) *Continue the implementation of the Seniors Strategy.*

FINANCIAL/BUDGET IMPLICATIONS:

\$20,000 was specifically allocated for the Curtin University Consultancy costs in the 2003/04 budget. Costs associated with the implementation of the Strategy are funded from the Community Development Program account.

COMMENTS:

The Seniors Strategy has taken a lot of planning and research to enable the project to progress and ensure it addressed the correct issues for the seniors of the Town.

The Curtin University report Building a Senior Friendly Community established the direction of the strategy.

The review of the Census data and the establishment of the senior demographic profile have allowed the team to identify the specifics of the senior's profile in the Town.

The team has now adopted a specific model to engage the senior population of the Town in this project.

As a result a survey was prepared and distributed to the senior population of the Town, this resulted in a disappointing 15% return, but the returns have given enough to work on as to what the seniors believe are the important issues facing them.

Personal/Home Safety was clearly identified as the number one priority and importance to them, therefore in stage 2 of the project, the first workshop, was held on this issue.

The strategy has progressed slower that would have been preferred but now the project has gained momentum with the success of the workshops.

This project will be ongoing during this year and will give a clear direction on where the Town is to focus in regard to the seniors.

The benefit of this initiative has been recognised by the Federal Minister for the Aged when she attended a meeting of the Town's Senior's Advisory Group on 15 July 2004.

Curtin University has also used this project as an example of the quality of the work being undertaken for seniors in the community and it has presented papers on this project at various seminars.

A further progress report will be provided to the Council at the conclusion of the workshops.

10.4.2 Community Satisfaction Benchmark Survey - November 2004

Ward:	Both Wards	Date:	30 November 2004
Precinct:	All Precincts	File Ref:	CVC0024
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the "Council Performance Monitor - Community Research and Benchmark Findings - November 2004", carried out by the Australian Market Intelligence Consumer Research Group and Catalyse Pty Ltd on behalf of the Council, as Laid on the Table;*
- (ii) *further CONSIDERS the report as part of the review of the current Strategic Plan Session to be held on 11 December 2004; and*
- (iii) *NOTES that the Chief Executive Officer will be carrying out further qualitative research in areas identified in the report for further report and consideration by the Council.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

BACKGROUND:

The Town recently obtained quotations from four market research companies to carry out a Customer Satisfaction Survey on its behalf. The quotations ranged in price from \$6,000 to over \$30,525.

In October/November 2004 the Australian Market Intelligence Consumer Research Group in conjunction with Catalyse Pty Ltd, carried out a Community Satisfaction Benchmark Survey on behalf of the Town. The aim of this survey was to determine the level of satisfaction with, and perceptions of the Town's services and facilities. The survey involved random sampling and telephone interviewing of respondents from 400 households within the Town.

Since the formation of the Town on 1 July 1994, only one survey has been carried out in October 1998.

Research Objectives:

The research objectives for the survey were to identify:

- Community's perceptions of local government's services and their level of service expectation;
- the perceived priority of service or facility provided by local government;
- benchmarks in community satisfaction to determine how local government is operating in comparison to others within the same type classification;
- information to assist in performance improvement in accordance with best practice models;
- awareness, usage and satisfaction with particular services; and
- satisfaction with specific facilities.

Research Approach:

A quantitative survey was undertaken with a sample of the community. A structured questionnaire was administered by telephone and respondents' answers were collected. The report details the findings of the quantitative results obtained for the Town.

The sampling and data collection involved a representative sample of 400 respondents randomly selected and interviewed, using a structured questionnaire. A representative sample of 400 households gives a sampling decision, +/- 5% at the 95% confidence interval which is specified by the Auditor General as being acceptable for research analysis. Interviewing was carried out using computer aided telephoning interview techniques. This method involved the data collection over a period of a week and household interviews took place between 6pm and 8pm during weekdays and from 10am to 4pm on Saturdays and Sundays.

Sample Profile:

A sample profile of the survey is as follows:

	2004 % of Sample
Gender	
Male	50.0
Female	50.0
Age	
18-34 years	41.0
35-44 years	20.0
45-54 years	14.0
55-64 years	8.0
65+ years	16.0
Household	
Under 35, no children	28.0
Family, with children	34.0
Over 35, singles/couples	38.0

Home Ownership	
Owner/occupier	66.0
Renting	32.0
Other	2.0
Suburbs	
Leederville	11.0
Mount Hawthorn	19.0
Highgate	10.0
North Perth	25.0
Mount Lawley/East Perth	11.0
West Perth	10.0
Perth	14.0

Report Findings – Overall Satisfaction.

82% of all respondents were satisfied with the services and facilities provided by the Council. 12% were neutral and only 6% of respondents indicated they were totally dissatisfied.

The research revealed that females at 44% were substantially more likely to be satisfied with the Town than males at 36%. Persons aged over 65 years gave an overall satisfaction of 61%.

IMPORTANCE

The survey utilising the variables used to measure the Council’s performance against the respondents’ expectations revealed the following;

Mean Importance out of 10:

Weekly Rubbish Collections	9.6
Efficient and Effective Service	9.1
Streetscape and Parks	8.7
Footpaths & Cycleways	8.7
Consultation on local issues	8.6
Graffiti and anti-social behaviour	8.6
Planning and Building approvals	8.6
Access to Council Services and Information	8.4
Beatty Park Leisure centre	8.2
Control Parking	7.7

USAGE

Percentage who have used/feel they can comment on service:

Weekly Rubbish Collections	100%
Footpaths & Cycleways	99%
Streetscapes and Parks	98%
Graffiti and anti-social behaviour	95%
Control Parking	94%
Consultation on local issues	94%
Efficient and Effective Service	92%
Access to Council Services and Information	88%
Beatty Park Leisure Centre	69%
Planning and Building Approvals	64%

SATISFACTION**Satisfaction mean rating out of 10:**

Weekly Rubbish Collections	8.7
Streetscapes and Parks	7.7
Efficient and Effective Services	7.6
Beatty Park Leisure Centre	7.5
Access to Council Services and Information	7.4
Graffiti and anti-social behaviour	7.2%
Footpaths and Cycleways	7.1
Planning and Building Approvals	6.8
Consultation on Local Issues	6.7
Control Parking	6.6

Performance Gap Analysis of Individual Services/Facilities

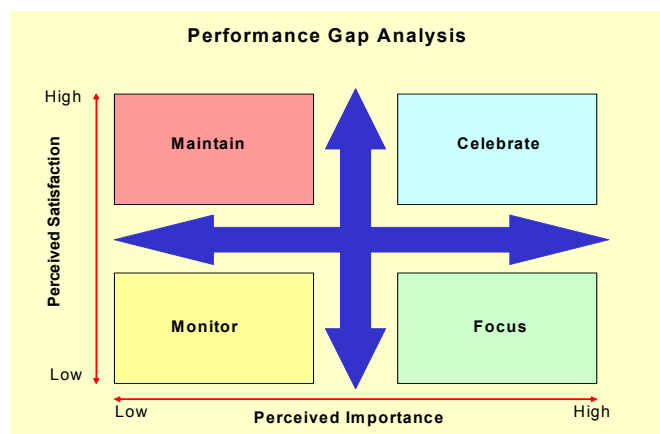
Performance Gap Analysis assists the Council to identify strategic priorities. Importance and satisfaction levels analysed and presented in four quadrants to illustrate which services and facilities need to be "monitored, maintained, celebrated or a need to focus".

Levels of high satisfaction and lower levels of importance depict the **MAINTAIN** quadrant. Services and facilities that fall into this quadrant are less important to the community and the Council is performing very well in delivering them (to those who use them). This quadrant requires no strategic intervention besides maintaining current levels of performance.

MONITOR represents the quadrant of lower importance and lower satisfaction levels. Services and facilities that fall into this quadrant are less important to the community and the Council is performing less well in delivering them (to those who use them). This quadrant requires Council to monitor perceived levels of importance and satisfaction and make required adjustments if a particular service or facility moves into another quadrant.

CELEBRATE represents the quadrant of high importance and high satisfaction. Services and facilities that fall into this quadrant are important to the community and the Council is performing extremely well in delivering them (to those who use them). This quadrant requires no special strategic emphasis besides maintaining current levels of performance and promoting the Council's performance.

The **FOCUS** quadrant comprises services and facilities that have high levels of perceived importance and lower levels of satisfaction. These areas represent the 'hot issues' for Council. Services and facilities that fall into this quadrant require Council to invest resources and effort to improve performance and perceived levels of satisfaction.



The Town scored well in the following;

Celebrate - High Importance, High Satisfaction

- Weekly rubbish collections
- Efficient and effective services
- Streetscapes, parks and sportsgrounds

Maintain - High Satisfaction, Lower Importance

- Beatty Park Leisure Centre
- Access to Council services and information

Monitor - Lower Satisfaction, Lower Importance

- Control parking
- Planning and Building approvals
- Consultation on local issues
- Control of graffiti, vandalism and anti-social behaviour

Focus - High Importance, Lower Satisfaction

- Footpaths and cycleways

1998 Survey Results

The 1998 survey identified the importance and perceived performance, service delivery gaps in the following areas:

- youth issues;
- art, culture and heritage;
- anti-social behaviour;
- safety and security;
- laneways; and
- traffic management.

SERVICE AND FACILITIES SATISFACTION LEVEL RESULTS 2004

Provide Weekly Rubbish Collections

Question: How satisfied are you with the Council's performance in this area?

2004 Satisfaction Ratings	
Satisfied	93
Neutral	3
Dissatisfied	3
2004 Benchmarks	
Council - top 3 boxes	84
Benchmark	N/A
Industry Average	N/A
Satisfaction History	
2004	93
1998	N/A

Graffiti, Vandalism and Anti-Social Behaviour Control

Question: How satisfied are you with the Council's performance in this area?

2004 Satisfaction Ratings	
Satisfied	84
Neutral	9
Dissatisfied	8
2004 Benchmarks	
Council - top 3 boxes	52
Benchmark	57
Industry Average	49
Satisfaction History	
2004	84
1998	43

Provide and Maintain Footpaths and Cycleways

Question: How satisfied are you with the Council's performance in this area?

2004 Satisfaction Ratings	
Satisfied	82
Neutral	9
Dissatisfied	9
2004 Benchmarks	
Council - top 3 boxes	51
Benchmark	57
Industry Average	50
Satisfaction History	
2004	82
1998	75

Parking Control

Question: How satisfied are you with the Council's performance in this area?

2004 Satisfaction Ratings	
Satisfied	72
Neutral	16
Dissatisfied	12
2004 Benchmarks	
Council - top 3 boxes	36
Benchmark	44
Industry Average	35
Satisfaction History	
2004	72
1998	N/A

Provide and Maintain Streetscapes, Parks and Sporting Grounds

Question: How satisfied are you with the Council's performance in this area?

2004 Satisfaction Ratings	
Satisfied	91
Neutral	4
Dissatisfied	5
2004 Benchmarks	
Council - top 3 boxes	*64
Benchmark	*64
Industry Average	56
Satisfaction History	
2004	91
1998	62

* *The Town set the benchmark.*

Provide and Maintain Beatty Park Leisure Centre

Question: How satisfied are you with the Council's performance in this area?

2004 Satisfaction Ratings	
Satisfied	90
Neutral	6
Dissatisfied	3
2004 Benchmarks	
Council - top 3 boxes	60
Benchmark	63
Industry Average	56
Satisfaction History	
2004	90
1998	N/A

Planning and Building Approvals

Question: How satisfied are you with the Council's performance in this area?

2004 Satisfaction Ratings	
Satisfied	75
Neutral	13
Dissatisfied	13
2004 Benchmarks	
Council - top 3 boxes	47
Benchmark	54
Industry Average	41
Satisfaction History	
2004	75
1998	N/A

Provide Efficient and Efficient Service

Question: How satisfied are you with the Council's performance in this area?

2004 Satisfaction Ratings	
Satisfied	87
Neutral	7
Dissatisfied	5
2004 Benchmarks	
Council - top 3 boxes	*59
Benchmark	*59
Industry Average	46
Satisfaction History	
2004	87
1998	N/A

* *The Town set the benchmark*

Consult the Community about Local Issues

Question: How satisfied are you with the Council's performance in this area?

2004 Satisfaction Ratings	
Satisfied	76
Neutral	13
Dissatisfied	11
2004 Benchmarks	
Council - top 3 boxes	39
Benchmark	41
Industry Average	36
Satisfaction History	
2004	76
1998	45

Accessibility of Information about Council Services

Question: How satisfied are you with the Council's performance in this area?

2004 Satisfaction Ratings	
Satisfied	85
Neutral	9
Dissatisfied	7
2004 Benchmarks	
Council - top 3 boxes	57
Benchmark	N/A
Industry Average	N/A
Satisfaction History	
2004	85
1998	N/A

CONSULTATION/ADVERTISING:

This survey was carried out by an independent organisation.

LEGAL/POLICY:

The sampling and data collection involved a representative sample of 400 respondents randomly selected and interviewed, using a structured questionnaire. A representative sample of 400 households gives a sampling decision, +/- 5% at the 95% confidence interval which is specified by the Auditor General as being acceptable for research analysis.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 4.2 - *"Deliver services in ways that accord with the expectations of the community whilst maintaining statutory compliance"* and Key Result Area 4.5 - *"With the community, introduce processes to ensure continuous improvement in the service delivery and management of the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

The Town recently obtained quotations from four market research companies to carry out a Customer Satisfaction Survey on its behalf. The quotations ranged in price from \$6,000 to over \$30,525.

An amount of \$8,000 was included in the 2004/2005 Budget to carry out a Community Satisfaction survey.

COMMENT:

It is pleasing to note that the results of the 2004 Community Satisfaction Benchmark Survey revealed a positive response from the ratepayers and residents of the Town.

82% of all respondents were satisfied with the services and facilities currently provided by the Town. In comparison to the 1998 survey, the Town improved in all areas of providing services and facilities. Action to improve areas which need to be monitored, such as Planning and Building approvals, control parking, control graffiti, vandalism and anti-social behaviour has already been commenced.

Qualitative information, in some areas, for example footpaths and cycleways will need to be obtained to determine reasons for dissatisfaction. This can be carried out in-house by the respective sections using a standard survey letter. This will be progressively carried out in the time leading up to the adoption of the 2005/2006 Budget.

A full copy of the survey is "Laid on the Table".

10.4.3 Final Progress Report No. 10 - Department of Sport and Recreation (DSR) Office Building – Leederville Oval, No. 246 Vincent Street, Leederville

Ward:	South	Date:	1 December 2004
Precinct:	Oxford Centre, P4	File Ref:	RES0062
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 10 as at 1 December 2004, relating to the Department of Sport and Recreation (DSR) Office Building at 246 Vincent Street, Leederville;*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of the project;*
- (iii) *APPROVES of the Official Opening of the Building to be in mid February 2005 (subject to confirmation by the Premier/Minister);*
- (iv) *APPROVES the Mayor, Nick Catania, to officially open the Building in conjunction with the Premier/Minister for Sport and Recreation; and*
- (v) *AUTHORISES the Chief Executive Officer, in liaison with the Mayor, to prepare and organise the Official Opening of the Building, at a date to be determined in mid February 2005.*

Moved Cr Chester, Seconded Cr Ker

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

"(vi) REQUESTS the Chief Executive Officer to meet with the Department of Sport and Recreation to progress the matter of Public Art and prepare a report to be considered at the Council Meeting in February 2005."

CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.3

That the Council;

- (i) *RECEIVES the Progress Report No. 10 as at 1 December 2004, relating to the Department of Sport and Recreation (DSR) Office Building at 246 Vincent Street, Leederville;*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of the project;*
- (iii) *APPROVES of the Official Opening of the Building to be in mid February 2005 (subject to confirmation by the Premier/Minister);*
- (iv) *APPROVES the Mayor, Nick Catania, to officially open the Building in conjunction with the Premier/Minister for Sport and Recreation;*

- (v) *AUTHORISES the Chief Executive Officer, in liaison with the Mayor, to prepare and organise the Official Opening of the Building, at a date to be determined in mid February 2005; and*
- (vi) *REQUESTS the Chief Executive Officer to meet with the Department of Sport and Recreation to progress the matter of Public Art and prepare a report to be considered at the Council Meeting in February 2005.*
-

BACKGROUND:

At the Ordinary Meeting of Council held on 4 November 2003, the Council approved of the tender to construct an Office Building at 246 Vincent Street, Leederville. Progress reports have been submitted on a regular basis to keep the Council informed of the project status.

Monthly meetings have been held with the Project Architect and Builder since the works commenced on 17 November 2003. Fortnightly site meetings commenced in February 2004 and will continue until the building is completed.

The builder has submitted fortnightly reports and an amended timeline outlining the proposed timetable for works. At the time of writing this report the following is the status of the project;

1. Building Works

All building works have been satisfactorily completed.

Practical completion handover took place on 1 December 2004.

2. Landscape Works

The Town's Technical Services staff and architects have been meeting and concept plans have been finalised. The Town's Parks Services will commence these works on 6 December 2004.

3. Public Art

The Town and DSR have met on several occasions to discuss public art. The DSR have formed a Working Group to progress this matter. The Town's Arts Officer has been requested to liaise with the Working Group and have commenced the project.

The DSR have advised that they will provide information as soon as practicable.

4. Variations

There have been minor variations to the value of approximately \$30,000 requested since commencement of construction. To date, approximately \$24,000 has been agreed by the CEO and Project Architect and the remainder are being checked. It should be noted that the variations which were offered by the builder at tender time have in the main been agreed and costs finalised. The DSR have requested a number of minor variations to the value of \$162,500. These are paid by DSR.

5. **Progress Certificates**

Payment Certificates No. 1-12 have been issued to date and the amount certified and paid to the builder is \$4,504,180.

6. **Internal Fitout**

Internal fitout commenced on 3 December 2004 and is expected to be completed by late January 2005.

7. **Lease**

The lease is being finalised for signing by both parties. DSR commence paying rent as from 14 December 2004.

8. **Street Works**

The footpath works are well advanced and almost completed. Street lighting and trees are being installed.

9. **DSR Occupation**

The DSR have indicated that they intend to relocate to the Building in the week commencing 7 February 2005.

10. **Official Opening**

It is suggested that the official opening be programmed for mid February 2005 when the fitout has been completed and the Building occupied.

LEGAL/POLICY IMPLICATIONS:

The Agreement to Lease states in clause 3.5(d) that:

"The Tenant must submit to the Landlord for the approval of the Landlord detailed final plans and specifications of the Tenant's fitout works which approval will not be unreasonably withheld..."

This has been complied with.

ADVERTISING/COMMUNITY CONSULTATION:

Nil.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3 - Economic Development, in particular 3.1 *"Promote business opportunities in the Town."*

COMMENT:

Progress Report No. 10 updates the Council on the status of the project. As the building has been completed, this is the final report. It is pleasing to report that the project has been completed within budget, without any major problems or cost variations being experienced.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Councillor Ian Ker - Relating to Heritage

That the Council;

- (i) *ACKNOWLEDGES the importance of enhancing knowledge of the Town's heritage as well as the retention of the physical manifestation of heritage;*
- (ii) *is of the view that;*
 - (a) *where the heritage value of a building lies SOLELY in the social and/or historic values that have no reflection in the building's structure, style or physical appearance, the heritage values will be better served by explicit recognition in an approved redevelopment rather than through retaining the existing building without such acknowledgement;*
 - (b) *where the heritage value of a building lies PRIMARILY in the social and/or historic values, with LITTLE reflection in the building's structure, style or physical appearance, the heritage values MAY be better served by explicit recognition in an approved redevelopment rather than through retaining the existing building without such acknowledgement; and*
 - (c) *where demolition is approved subject to (a) or (b), above, it shall be subject to any future redevelopment of the site incorporating explicit recognition of the social and historic values of the former building, with such details to be submitted to and approved by the Town at the development approval stage;*
- (iii) *REGARDS provision of such information on social and/or historic heritage values as the joint responsibility of the Town and the property owner, in support of which the Town will;*
 - (a) *develop an appropriate style of providing visible recognition of social and/or historic significance that may be used in a variety of ways depending upon the nature of the development and the opportunities available for the community to view the information without intruding upon the function of the new building(s) or the privacy of its/their occupants;*
 - (b) *undertake the necessary historic research to provide reliable and appropriate information on the social and/or historical values; and*
 - (c) *require the property owner to provide explicit recognition of the social and/or historic significance of the former building in a form to be agreed by the Town; and*
- (iv) *REQUESTS, as a matter of urgency, that a report and draft policy be prepared to give effect to the above and this be reported no later than the Ordinary Meeting of Council to be held on 8 February 2005.*

Moved Cr Ker, Seconded Cr Lake

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

"(v) SEEKS the advice of the Heritage Council of Western Australia regarding the proposed policy change, and these comments to be addressed in the report to be presented no later than the Ordinary Meeting of Council to be held on 8 February 2005;"

Debate ensued.

CARRIED (9-0)

COUNCIL DECISION ITEM 11.1

That the Council;

- (i) ACKNOWLEDGES the importance of enhancing knowledge of the Town's heritage as well as the retention of the physical manifestation of heritage;*
- (ii) is of the view that;*
 - (a) where the heritage value of a building lies SOLELY in the social and/or historic values that have no reflection in the building's structure, style or physical appearance, the heritage values will be better served by explicit recognition in an approved redevelopment rather than through retaining the existing building without such acknowledgement;*
 - (b) where the heritage value of a building lies PRIMARILY in the social and/or historic values, with LITTLE reflection in the building's structure, style or physical appearance, the heritage values MAY be better served by explicit recognition in an approved redevelopment rather than through retaining the existing building without such acknowledgement; and*
 - (c) where demolition is approved subject to (a) or (b), above, it shall be subject to any future redevelopment of the site incorporating explicit recognition of the social and historic values of the former building, with such details to be submitted to and approved by the Town at the development approval stage;*
- (iii) REGARDS provision of such information on social and/or historic heritage values as the joint responsibility of the Town and the property owner, in support of which the Town will;*
 - (a) develop an appropriate style of providing visible recognition of social and/or historic significance that may be used in a variety of ways depending upon the nature of the development and the opportunities available for the community to view the information without intruding upon the function of the new building(s) or the privacy of its/their occupants;*
 - (b) undertake the necessary historic research to provide reliable and appropriate information on the social and/or historical values; and*

- (c) *require the property owner to provide explicit recognition of the social and/or historic significance of the former building in a form to be agreed by the Town;*
 - (iv) *REQUESTS, as a matter of urgency, that a report and draft policy be prepared to give effect to the above and this be reported no later than the Ordinary Meeting of Council to be held on 8 February 2005; and*
 - (v) *SEEKS the advice of the Heritage Council of Western Australia regarding the proposed policy change, and these comments to be addressed in the report to be presented no later than the Ordinary Meeting of Council to be held on 8 February 2005;"*
-

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

Crs Lake and Torre departed the Chamber at 9.53pm. Cr Lake did not return to the meeting.

At 9.54pm Moved Cr Ker, Seconded Cr Doran-Wu

That the meeting proceed "behind closed doors" to discuss Confidential Items 10.4.1 and 10.4.5.

CARRIED (7-0)

(Cr Lake was absent from the meeting. Torre were absent from the Chamber and did not vote.)

Cr Torre returned to the Chamber at 9.55pm.

1 Member of the public and Journalist – Mark Fletcher departed the Chamber.

10.4.1 Tender - Provision of Legal Services

Ward:	-	Date:	30 November 2004
Precinct:	-	File Ref:	
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Boardman, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tenders submitted by Minter Ellison Lawyers, Mullins Handcock Lawyers, Mony de Kerloy Barristers & Solicitors and Watts Woodhouse Solicitors & Legal Consultants as being the most acceptable tenders to provide legal services to the Town of Vincent;

- (i) at the tendered rates as detailed in the respective tenders shown in Confidential Appendix B (as circulated separately to Elected Members);*
- (ii) for a period of three (3) years commencing from the date of signing of the Agreement, with the option to extend for a further three (3) year period subject to satisfactory performance reviews; and*
- (iii) the Town reserving the right to seek legal services outside of the recommended tenderers where circumstances necessitate such option.*

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Lake was absent from the meeting)

BACKGROUND:

The Town recently called tenders for the provision of its legal services for a period of three (3) years with the option to extend for a further three (3) year period subject to satisfactory performance reviews.

TENDERS RECEIVED:

The tender was advertised state-wide on 9 October 2004. Documentation was requested by twelve (12) firms and at the close of the tender period (29 October 2004), seven (7) tenders were received as follows:

<i>NUMBER</i>	<i>COMPANY</i>
1	McLeod's Barristers & Solicitors Stirling Law Chambers 220-222 Stirling Hwy CLAREMONT WA 6010
2	Mullins Handcock Lawyers Level 12 Citibank House 37 St Georges Terrace PERTH WA 6000
3	Watts & Woodhouse Solicitors & Legal Consultants 323 Rokeby Road SUBIACO WA 6008
4	Jackson McDonald Lawyers 140 St Georges Terrace PERTH WA 6000
5	Minter Ellison Lawyers Level 49 152-158 St Georges Terrace PERTH WA 6000
6.	Mony de Kerloy Barristers & Solicitors 129 Royal Street EAST PERTH WA 6004
7	Kott Gunning Lawyers Level 11 Australia Place 15 William Street PERTH WA 6000

The fees and costs are "*Commercial-in-Confidence*" - refer to Confidential Appendix B, circulated separately to Elected Members and Executive Managers.

QUOTATION EVALUATION:

The following weighted criteria was used for the selection of the legal practice for the provision of legal services.

Criteria	%	Weighting
<p>1.1 Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Tenderer's offer of an annual fee for each of the three (3) years of the term of the contract (plus option period if applicable) • Represents the "<i>best value</i>" for money • Application of a reasonable fee structure in proportion to the service provided 	40	40%
<p>1.2 Relevant experience and expertise</p> <p>Demonstrate your:</p> <ul style="list-style-type: none"> • experience and expertise • capacity to address the range of services required • role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • understanding of the required service by associated with delivering the services to the Town • experience and success as a legal service provider in the sphere of local government • ability to initiate improvements in service delivery 	35	35%
<p>1.3 History and Viability of Organisation</p> <ul style="list-style-type: none"> • Detail your history and viability • Include any comments received from referees • Demonstrate your capacity to deliver • Demonstrate your experience and success as a legal service provider to the Local Government Industry • Demonstrate your capacity and depth to effectively address the broad range of legal requirements of the Town 	20	20%
<p>1.4 Innovation and Value Adding</p> <ul style="list-style-type: none"> • Include any provision of Free Services and Value Adding • Demonstrate an innovative approach • Demonstrate your willingness to work with the Town to achieve desired outcomes through the application of alternative processes available, as opposed to that of litigation in the local courts 	5	5%
TOTAL	100	100%

Evaluation Panel

The Evaluation Panel consisted of Chief Executive Officer, John Giorgi, Executive Manager Corporate Services, Mike Rootsey and Executive Manager Environmental and Development Services. Interviews were held with each tenderer on Tuesday 9, Wednesday 10 and Friday 12 November 2004.

QUOTATION EVALUATION SUMMARY:

The following weighted criteria was used for the selection of the consultants for this project. Consultants addressed the selection criteria in their submission. All submissions were assessed by the Evaluation Panel and the following is a summary:

EVALUATION MATRIX

Criteria	Weighting %	McLeod's	Mullins Handcock	Watts & Woodhouse	Kott Gunning	Mony de Kerloy	Minter Ellison	Jackson McDonald
<p>1.1 Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) Tenderer's offer of an annual fee for each of the three (3) years of the term of the contract (plus option period if applicable) Represents the "best value" for money Application of a reasonable fee structure in proportion to the service provided 	40%	36.5	36.5	36.5	36	37	35	37
<p>1.2 Relevant experience and expertise</p> <p>Demonstrate your:</p> <ul style="list-style-type: none"> experience and expertise capacity to address the range of services required role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards understanding of the required service by associated with delivering the services to the Town experience and success as a legal service provider in the sphere of local government 	5%	4.47	4.27	4.17	4.27	4.1	5.0	4.0
	5%	4.33	4.27	4.17	4.6	4.17	5.0	4.0
	5%	4.6	4.6	4.77	4.60	4.6	5.0	4.0
	5%	4.83	4.83	4.83	4.67	4.6	5.0	4.1
	5%	4.37	5.0	5.0	4.07	4.47	5.0	4.2
	5%	4.67	4.67	5.0	4.17	3.67	5.0	3.67

Criteria	Weighting %	McLeod's	Mullins Handcock	Watts & Woodhouse	Kott Gunning	Mony de Kerloy	Minter Ellison	Jackson McDonald
<ul style="list-style-type: none"> ability to initiate improvements in service delivery 	5%	3.5	4.33	4.23	3.6	4.07	4.5	3.8
1.3 History and viability of organisation								
<ul style="list-style-type: none"> Detail your history and viability 	4%	4.0	4.0	4.0	4.0	4.0	4.0	4.0
<ul style="list-style-type: none"> Include any comments received from referees 	4%	4.0	4.0	4.0	4.0	4.0	4.0	4.0
<ul style="list-style-type: none"> Demonstrate your capacity to deliver 	4%	3.5	4.0	3.77	3.5	3.6	4.0	3.67
<ul style="list-style-type: none"> Demonstrate your experience and success as a legal service provider to the Local Government Industry 	4%	4.0	4.0	4.0	4.0	3.8	4.0	3.9
<ul style="list-style-type: none"> Demonstrate your capacity and depth to effectively address the broad range of legal requirements of the Town 	4%	3.5	3.53	3.53	3.5	3.53	4.0	3.5
1.4 Innovation and value adding	5%							
<ul style="list-style-type: none"> Include any provision of Free Services and Value Adding 								
<ul style="list-style-type: none"> Demonstrate an innovative approach 								
<ul style="list-style-type: none"> Demonstrate your willingness to work with the Town to achieve desired outcomes through the application of alternative processes available, as opposed to that of litigation in the local courts 		3.37	4.7	4.0	4.07	4.67	4.17	4.0
	100%	89.63	92.70	91.97	89.03	90.27	93.67	87.94
		5th	2nd	3rd	6th	4th	1st	7th

A more detailed evaluation of the tenders is shown in Appendix B.

CONSULTATION/ADVERTISING:

The tender was advertised in the West Australian Newspaper on 9 October 2004 with submissions closing on 29 October 2004.

LEGAL/POLICY:

The tender was called in accordance with the Local Government Act (Functions and General) Regulations - Part 4(18) - tenders.

The CEO's instructions to employees allows only the CEO or an Executive Manager to obtain legal advice. All employee requests must be authorised prior to seeking advice.

STRATEGIC IMPLICATIONS:

This tender is in keeping with the Town's Strategic Plan 2003-2008 KRA 4.2 - *"Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance"*.

FINANCIAL/BUDGET IMPLICATIONS:

Funds for legal services are contained within the various cost centres of the operating budget. The value of this tender for general "*day to day*" legal advice is estimated to be approximately \$99,100 per annum. This amount can vary for specific "*one-off*" matters which may arise from time to time.

COMMENTS:

Since the creation of the Town in 1994, a variety of legal firms have been used for legal advice. For the previous 5-6 years Minter Ellison Lawyers have been the principal legal advisers with other firms being used on occasions when circumstances arise.

The Evaluation Panel has recommended that the Council appoint a range of legal firms to a panel. The panel operates by having a variety of legal firms appointed as the Town's legal advisers. The Town would choose the most suitable legal firm to provide advice or carry out the specific task. Members on the Town's Panel would expect an amount of work, however the Town's tender document specified that quantities would not be guaranteed.

The advantages of a panel are as follows:

1. Allows a greater diversity in legal firms and an opportunity to utilise the firm with the greatest expertise and/or cost efficiency.
2. Enables the Town to build a relationship with its legal advisers.
3. Enables the Town to use an alternative legal firm when a conflict of interest occurs or as circumstances arise.
4. Lawyers on the Town's legal panel are precluded from acting against the Town.

The recommended legal firms all provide an area of expertise or services as required by the tender specification. They range in size from large, medium, medium/small and small. The top four highest scoring tenderers, in accordance with the evaluation matrix, have been recommended as panel members.

It is therefore recommended that the Council approve of this matter.

10.4.5 Confidential Report - Premier's Australia Day Active Citizenship Awards - Nominations for 2005

Ward:		Date:	30 November 2004
Precinct:		File Ref:	CVC0005
Attachments:			
Reporting Officer(s):	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) *SUPPORTS 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"; and*
- (iv) *FORWARDS these nominations to the Australia Day Council of Western Australia for consideration.*

COUNCIL DECISION ITEM 10.4.5

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Lake was absent from the Meeting.)

DETAILS:

In September 2004 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 2004 a call for nominations was advertised in the local papers, on the website and through letters to the precinct groups. By the close of nominations on 12 November 2004, six (6) nominations were received. Four (4) were for the category of "*A person of 25 years or older*" and two (2) were for the category of "*Community Group or Event*". The 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) and Cosi Schirripa (2004).

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.

At 9.59pm **Moved Cr Ker, Seconded Cr Torre**

That an "open" meeting be resumed.

CARRIED (8-0)

(Cr Lake was absent from the meeting.)

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.00pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Craig Wilson	Acting Executive Manager, Technical Services
Annie Smith	Executive Assistant (Minutes Secretary)

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 7 December 2004.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2004