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(8 November 2005)

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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 8 November 2005, commencing at 6.03pm.

1. DECLARATION OF OPENING

The Presiding Member, Deputy Mayor – Cr Steed Farrell, declared the meeting open at 6.03pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Mayor Nick Catania, JP	Presiding Member – attending a conference
Rob Boardman	Executive Manager, Environmental and Development Services - attending a conference
Mike Rootsey	Executive Manager, Corporate Services – on leave

(b) Present:

Cr Steed Farrell (<i>Deputy Mayor</i>)	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi,JP	Chief Executive Officer
Des Abel	Acting Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Annie Smith	Minutes Secretary
Mark Fletcher	Journalist – The Perth Voice (until 8.34pm)
Dan Hatch	Journalist – Guardian Express (until 8.34pm)

Approximately 15 Members of the Public

(c) Members on Leave of Absence:

Cr Maddalena Torre – Ordinary Meeting of Council 8 November 2005 for work reasons.

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

1. Ms Tanya Trevison of 8 Caxton Street, Claremont – Item 10.1.9 – Stated that there are no significant objections, the proposal complies with the provisions of the Town Planning Scheme and there are no issues relating to amenity, carparking or aesthetics that adversely impact on the proposal. Believes that the office use is a complementary business activity that positively contributes to the sustainability and economic performance of the North Perth retail centre.

2. Dr Chelvanayagam of 65 Walcott Street, Mt Lawley – Stated he has three Items of concern:
 - Lot 98 Beaufort Street. Believes it is the Town’s responsibility to ensure that the Australian Standards are met in this carpark.
 - Barlee Street Carpark. Asked if Council would consider allowing free parking for local businesses in the carpark at least for a trial period given that there appears to be a shortfall of business parking areas.
 - Laneways. Asked that if it is Council policy to inform local residents if there are intended changes to any laneways (ie closures, uni-directionality)? If not, then believes it should be.

The Presiding Member advised that his questions would be taken on notice and a response provided in writing.

3. Ms Carly Herbison of 43 Commonwealth Avenue, North Perth – Item 10.1.1 – Stated that the carbay already exists off the primary street and that they will always park a car there. Advised that there are at least three other carports on the street. Stated that the proposed carport is open in form and will be in the same style as the house.
4. Ms Donna Cole of 198 Carr Place, Leederville – Item 10.1.13 – Asked how many residences were surveyed as opposed to how many businesses operators. Cannot understand why Carr Place cannot be made “residents only” parking (especially after 8pm) when the Town has admitted that there are free carbays in Frame Court. Requested that the Leederville Hotel could ask patrons leaving the hotel only exit onto the carpark which backs onto Vincent Street. Believes that the licensed premises need to commit to security in the area at all times not just when there are complaints.
5. Ms Annie Folk of 204 Carr Place, Leederville – Item 10.1.13 – Briefly outlined the history of this problem. Believes that the lack of response from residents to the questionnaire is because residents believe that it is unnecessary to tell the Town what they should already know. Does not believe that the Town is any closer to solving the problem. Requested that the Council make some sound, sensible decisions tonight.
6. Mr Patrick Costello of 209 Brisbane Street, Perth – Item 10.1.4 – Stated that they are bonafide professional naturopaths and have provider numbers with the major health insurance firms. Advised that there have been objections to the proposal.
7. Mr Christian Donaldson of 70 Mary Street, Highgate on behalf of the applicant – Item 10.1.10 – Stated that the applicants want to retain the original house and if the redevelopment is not approved, then the alternative would be to demolish. Advised that there have been objections to the proposal and has been supported by the Heritage Council of WA. Seeking a concession in the minimum site area as the development is more than adequate in terms of open space and amenity. Also seeking a concession in open space of 2% and a minimum dimension of 4 metres at the rear. Submitted a handout for Elected Members.

8. Mr Anthony Rechichi of 218 William Street, Northbridge – Item 10.1.8 – Requested that Council consider removing the following conditions:
- (i)(1) – there is only a minor impingement on the minimum dimension – to comply would create an adverse impact on the amenity of that unit.
 - (i)(3) – plot ratio for Units 2 and 3 – the difference between compliancy and non-compliancy is 5.9m² between the respective units – will impact on the amenity on the living standards of the amenity of these two units.
 - (i)(4) – upper floor setback to Unit 1 – there is only a minor impingement on the setback – believes it is not an adverse impact on the streetscape nor upon the adjoining owners.

Also advised that a revised front street elevation had been sent in which is now more in keeping with the pitch roof sentiment of either side.

9. Mr Colin Connor of Whelans, 162 Central Avenue, Inglewood – Item 10.1.2 – Believes that the development is highly non-compliant with the R Codes in terms of setbacks and open space provision. Does not believe that the balconies can be included as open space as they have closed sides. Requests that the Council not support this development as it is out of character with the area, is bulky and will also impact on the amenity of the residents.
10. Mr Paul Rogers of 24 Camelia Street, North Perth – Item 10.1.2 – Stated that he is happy to comply with the additional conditions including a 1.7 metre setback on the upper level on the south side. Advised that there are no major openings on the south side so overlooking is not an issue, the height complies, overshadowing is minimal and the open space complies. Urged Council to support the application.
11. Mr Edward Bedour of 22 Camelia Street, North Perth – Item 10.1.2 – Believes there are important character issues with this development, in particular in relation to bulk and scale but overall layout and architecture as well. Further believes that this type of development is more suited to other suburbs such as East Perth and Subiaco. Stated that there are at least seven variations in setback codes and new concepts of open space. Concerned about the overpowering effect a 6 metre wall will have on them in terms of overshadowing and visual impact.
12. Mr Simon Bain of SJB Town Planning, Unit 17, 33 Pakenham Street, Fremantle – Item 10.1.2 – Stated that the open space proposed is compliant with the minimum requirement and the setbacks are also compliant. Believes the proposed house is very modest, has a maximum height of 6.5 metres and is less bulky and more in scale than a potential development. Stated that the Precinct Policy encourages contemporary design.

13. Mr Atham Mirmikidis of 24 Mary Street, Highgate – Item 10.1.10 – Believes that if the concessions sought are not granted, the only other way to develop the R80 block, which has an existing dwelling circa 1890, is to demolish a major section of the dwelling. Stated that the current application seeks to preserve the existing dwelling and return it to its original condition. Advised that there is a tree of significance on the verge which prohibits, without removal of the tree, the adding of parking to the existing dwelling and therefore are seeking a concession for the required two parking bays.
14. Mr Vince Multari of 10 Fairfield Street, Mt Hawthorn – Item 10.1.3 – Stated that the Perth City Council had previously rejected an identical application for change of use to light industry for this property. Further stated that an application in the same laneway, to change a house into an office building, was rejected six months ago. Believes that there is more adequately spaced designs in the nearby Osborne Park region to accommodate this type of work. Advised that the plans in the file are from 1973 and that the floor plans have changed and the aerial photograph does not show an extra three dwellings that are directly affected. Further advised that the laneway is shown as 5 metres but is less due to the area being marked up with car parking bays and the laneway being narrowed to almost 3 metres.
15. Ms Dorothy Aguilera of 44a Flinders Street, Mt Hawthorn – Item 13.1 – Requested Council support them in writing a letter of objection to the Department of Racing, Gaming and Liquor Licensing regarding the application for an extended trading permit. Doubts the commitment of the applicant to responsibly maintain such a license. Does not believe the Licensee is adhering to the conditions of his license (ie security staff are not patrolling the streets within a 250 metre radius, staff are not collecting glasses and litter, staff still binning bottles at midnight). Believes it is the responsibility of the Council to support its ratepayers and presented a petition from 70 immediate residents.
16. Mr John Pintabona of 5 Lynmouth Road, Dianella – Item 13.1 – Requested support from the Council in opposing the extended trading permit application. Advised that the Oxford Hotel ceases trading at midnight and believes the Paddington should also as it is in a residential area.
17. Mr Mike Russell of 9 Fairfield Street, Mt Hawthorn – Item 13.1 – Believes that an increase in trading hours and patrons will be to the detriment of the residents and should not happen. Stated that the pub is an old pub in an old area, a residential area.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.50pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that a petition had been received from Mr James Spight, Year 6 Student, North Perth Primary School with approximately 233 signatories requesting the Town consider donating a drinking fountain to be erected on the School's oval in time for the School's proposed Ceremony to commemorate the 60th Anniversary of the end of World War II.

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

- 5.2 The Chief Executive Officer read out the petition submitted by Ms Dorothy Aguilera during public question time with 70 signatories requesting Council refuse an application to extend trading hours for the Paddington Alehouse, Mt Hawthorn.

The Chief Executive Officer advised that there was an Item of Urgent Business on tonight's Agenda relating to this matter (Item 13.1).

Moved Cr Ker, Seconded Cr Messina

That the petitions be received.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Ker, Seconded Cr Doran-Wu

That the Minutes of the Ordinary Meeting of Council held on 25 October 2005 be confirmed as a true and correct record.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Urgent Business - 141 Scarborough Beach Road

It is advised that as Presiding Member, I have approved of urgent business to consider a report relating to an application by the Paddington Ale House for an extension of its proposed Extended Trading Permit to continue late-night trading on Friday and Saturday nights from 12.00 am to 1.00 am.

The purpose of this report is to obtain the Council's approval to carry out community consultation, prior to making any submission on the application.

This report was provided to Elected Members yesterday evening.

7.2 Employee of the Month Award for the Town of Vincent for November 2005

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

For November 2005, the award is presented jointly to Helen Coulter, Planning Officer (Strategic) and Des Abel, Manager Planning, Building and Heritage Services. Helen and Des have been nominated by the Chief Executive Officer, John Giorgi, for their outstanding efforts in the Town's Vincent Vision 2024 project.

The Town recently won three awards for Planning Excellence for their Vincent Vision 2024 project: These were:

- Award for Excellence in Community Based Planning (Planning documents, reports, schemes or projects arising out of significant initiative or from a planned program of consultation, which demonstrates achievement of community goals).
- WA President's Award (Planning documents, reports, schemes or projects that demonstrate excellence in urban design – these must demonstrate design excellence, distribution of community and environmental benefits and create the possibility for continued adaptation and change).
- WA Planning Minister's Award – this award is the *overall winner of the State Awards* (this award is determined by the Hon. Alannah MacTiernan, Minister for Planning and Infrastructure).

Helen Coulter, along with Des Abel, have provided excellent work and commitment to this most important project.

The Employee of the Month award is in recognition of both Helen and Des' outstanding achievements in progressing this key initiative.

Well done Helen and Des - Keep up the good work!!

Received with acclamation.

7.3 Finalist - 2005 Sport and Recreation Industry Awards

I am pleased to advise that the Town of Vincent was a finalist in the Sport and Recreation Industry Awards 2005 in two categories - Leederville Oval was a finalist in the "Best Management Initiative for a Facility with a turnover of less than \$1 million" and the Redevelopment of Perth Oval (Members Equity Stadium) was a finalist in the "Best Management Initiative for a Facility with a turnover of over \$1 million".

Whilst the Town did not receive the Category Award, it is pleasing to be recognised by the Industry as leaders in the management of sports facilities.

May I express my appreciation to the Town's Administration and the Councillors for their contribution and efforts in these projects.

Received with acclamation.

7.4 Outcome of Donation - Moonlight Music and Wine Festival

I am pleased to advise that the Town has finally received notification that a \$10,000 donation has been made to the Australian Red Cross by the Promoters of the "Moonlight Music and Wine Festival" which was held at Members Equity Stadium in February this year.

For information, this was a Council condition of approval relating to this event and after much persistence by the Town's Administration, the promoter made this donation on 10 October 2005. An official receipt (No. 2031176), together with a letter from the Stadium Managers has been provided to the Town.

The payment of this donation brings this matter to a conclusion and, on behalf of the Council, I wish to express our appreciation to Mayor Catania, as Chairman of the Stadium Committee and Chief Executive Officer, John Giorgi, for their persistence in rightfully pursuing this matter.

8. DECLARATION OF INTERESTS

- 8.1 Cr Ker declared a proximity interest in Item 10.1.13 – Further Report – Outcome of Community Consultation and Various Issues Relating to Carr Place, Leederville. The nature of his interest being that he works in Carr Place and is “on call” for matters relating to the security of the premises outside normal business hours.
- 8.2 Cr Lake declared an interest affecting impartiality in Item 10.2.2 – Smith’s Lake Reserve – Redevelopment. The nature of her interest being that her employer, the Claise Brook Catchment Group, made a submission on this matter
- 8.3 Cr Maier declared an interest affecting impartiality in Item 10.2.2 – Smith’s Lake Reserve – Redevelopment. The nature of his interest being that he is a member of the Claise Brook Catchment Group who made a submission on this matter.
- 8.4 Cr Chester declared a proximity interest in Item 14.1 – Confidential Report – Proposed Two-Storey Single House (with basement) – State Administrative Tribunal Directions Hearing. The nature of his interest being that he co-owns property in close proximity.

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

Cr Maier asked the following questions:

1. *What promotion has taken place for the auction of the Town’s land in the ‘Elven on the Park’ subdivision?*

Cr Messina departed the Chamber at 7.03pm.

CEO's Response:

The Town's appointed Selling Agent, EFTOS Estates, has followed their professional practice for the normal pre-sale promotional strategy associated with the sale of property. Enquiries with a member of the Real Estate industry reveal that a promotional sales strategy is specifically tailored to each property being sold. However, in general it includes the 4-week period, including up to the day of the Auction. The Agent has advised that there has been strong interest in the proposed sale and believes that a 4-week promotion is considered acceptable.

The following promotions have taken place;

- (a) Signage board on site - the current sign is 1.2m x 1.8m, full colour. (A signage board was also previously erected on site for the original sale.)
- (b) Information on the Auctioneer's website.

Cr Messina returned the Chamber at 7.03pm.

- (c) Advertising in print media as follows;

Western Suburbs Weekly

Dates: 02/10/05, 01/11/05, 08/11/05 and 15/11/05

Advert Size: 5cm x 3 Column

Advert Type: Colour Display

The West Australian

Dates: 29/10/05, 05/11/05, 12/11/05, 19/11/05 (Auction Day).

Advert Size: 5cm x 3 Column.

Advert Type: Display.

The Perth Voice

Dates: 12 November 2005

Advert Size: 5cm x 3 Column.

Advert Type: Display.

The Guardian Express

Dates: 16 November 2005

Advert Size: 8cm x 3 Column.

Advert Type: Display.

- (d) Sales Brochures;

Size: 100 x A4.

Type: Double Side Colour.

- (e) Lot Signs;

Size: 5 x A4

Type: White "Coreflute" with black lettering

- (f) Referral to interested Real Estate Agents.

- (g) Direct contact to interested clients, who have previously made enquiries for property in the area.

- (h) Large advertisement on the Administration Centre counter, Beatty Park Leisure Centre counter and Library counter, together with sales brochures.
- (i) Media statement issued by the Town's Chief Executive Officer on 4 November 2005.
- (j) Information on the Town's webpage.

2. Does the CEO consider that the level of promotion is adequate?

CEO's Response:

Yes - based on the professional advice received, the level of promotion is considered adequate. However, if the Council or Elected Members have any other suggestions, these are most welcomed and will be considered and referred to the Council's selling agent.

3. If not, what steps have been taken to address this?

CEO's Response:

N/A.

4. Who provided the valuation(s) of the land which were used, or will be used, to set the reserve prices?

CEO's Response:

Murray R. Stubbs Valuation

5. Did this organisation, or organisations, also provide a valuation of the land at 98 (Lot 50) Flinders Street, Mount Hawthorn?

CEO's Response:

Yes, this organisation was one of three who provided valuations on this piece of land (as reported in OMC 9 August 2005) for the purpose of determining the value of the cash in lieu component required for open space.

6. If so, what value, at November 2002 values did they place on a 291 square metre block of land at 98 Flinders Street, and what price did similar sized blocks obtain in the recent auction of lots at that site?

CEO's Response:

Stubbs valuation was \$101,932 based on assessing the value of englobo residential land.

There were 5 blocks which were 271m² and the details are as follows;

Lot 34	271 square metres	\$307,000 (affected by a sewer easement);
Lot 35	271 square metres	\$306,000 (affected by 6.01 x 6.01 corner truncation and sewer easement);
Lot 36	271 square metres	\$292,500 (affected by a sewer easement);
Lot 37	271 square metres	\$290,000 (affected by a sewer easement); and
Lot 38	271 square metres	\$294,000 (affected by a 2.0 x 2.0 corner truncation and sewer easement).

10. REPORTS

The Presiding Member, Deputy Mayor – Cr Steed Farrell, requested that the Chief Executive Officer advise the meeting of:

The Agenda Items were categorised as follows:

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

Items 10.1.9, 10.1.1, 10.1.13, 10.1.4, 10.1.10, 10.1.8, 10.1.2, 10.1.3 and 13.1

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

Item 10.4.2

Presiding Member, Deputy Mayor – Cr Steed Farrell, requested Elected Members to indicate:

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

Cr Chester	Items 10.2.1, 10.2.2, 10.2.4, 10.4.5 and 14.2
Cr Ker	Item 10.1.7
Cr Doran-Wu	Nil
Cr Lake	Items 10.1.12 and 14.1
Cr Messina	Nil
Cr Maier	Items 10.1.11, 10.4.2 and 10.4.4
Deputy Mayor – Cr Steed Farrell	Nil

The Presiding Member, Deputy Mayor – Cr Steed Farrell, requested that the Chief Executive Officer advise the meeting of:

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

Items 10.1.13 and 14.1

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

Items 10.1.5, 10.1.6, 10.2.3, 10.2.5, 10.3.1, 10.4.1 and 10.4.3

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

Items 14.1 and 14.2

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

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

Items 10.1.5, 10.1.6, 10.2.3, 10.2.5, 10.3.1, 10.4.1 and 10.4.3

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

Items 10.1.9, 10.1.1, 10.1.13, 10.1.4, 10.1.10, 10.1.8, 10.1.2, 10.1.3 and 13.1

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

Moved Cr Doran-Wu, Seconded Cr Messina

That the following unopposed items be moved en bloc;

Items 10.1.5, 10.1.6, 10.2.3, 10.2.5, 10.3.1, 10.4.1 and 10.4.3

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

10.1.5 Nos. 505-509 (Lot 4 D/P: 64652) Charles Street (Corner Ellesmere Street, Eton Street and Carrington Street), North Perth - Proposed Alterations and Additions to Signage to Existing Hotel (Charles Hotel)

Ward:	North	Date:	31 October 2005
Precinct:	North Perth P8	File Ref:	PRO0904; 5.2005.3196.1
Attachments:	001		
Reporting Officer(s):	R Beatty		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Signmasters on behalf of the owner Bridgeton Pty Ltd for proposed Alterations and Additions to Signage to Existing Hotel, at Nos. 505-509 (Lot 4) Charles Street (corner Ellesmere Street, Eton Street and Carrington Street), North Perth, and as shown on plans stamp-dated 30 September 2005, subject to:

- (i) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) the existing three neon and illuminated signs shall be removed prior to the erection of the approved illuminated projecting sign; and*
- (iii) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of its display on-site.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

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

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves removal of three existing signs (that is, two (2) neon signs of 2.0 square metres each and one (1) illuminated double sided sign of 6.48 square metres on each side) totalling 16.96 square metres in area, and the erection of one new illuminated projecting sign of 9.0 square metres in area. The subject signage affects the 'Drive-Through' facility adjacent to Charles Street.

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
Signs and Advertising Policy	Not to exceed a vertical dimension of 0.6metre.	1.0metre.	Supported - three existing signs totaling 16.96 square metres in area will be removed, and the proposed replacement sign of 9.0 square metres in area will have less visual impact than the existing situation.
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
No consultation was undertaken for this application as the proposed variation is considered acceptable and is referred to Council for its consideration and determination.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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

10.1.6 No. 91 (Lot 24, Strata Lot 1) Scarborough Beach Road, Mount Hawthorn - Proposed Patio Additions to Existing Single House

Ward:	North	Date:	1 November 2005
Precinct:	Leederville P3	File Ref:	PRO3284; 5.2005.3096.1
Attachments:	001		
Reporting Officer(s):	R Beatty		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Eden Home Improvements on behalf of the owner GE O'Neill & FD Warren for proposed Patio Additions to Existing Single House, at No. 91 (Lot 24, Strata Lot 1) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 9 August 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) the finished floor level of the patio shall not be greater than 0.5 metre above the natural ground level;*
- (iii) the patio shall be one hundred (100) per cent open on at least two (2) sides at all times; and*
- (iv) any new street/front wall, fence and gate between the Scarborough Beach Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

Landowner:	GE O'Neill & FD Warren
Applicant:	Eden Home Improvements
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:	Strata Lot 1 - 280 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a patio on the west boundary of a single house.

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 Setback - West boundary	N/A 1.5 metres	N/A 0.5 metre	N/A Supported - the variation is considered minor and do not unduly impact on the affected neighbour.
Consultation Submissions			
Support Objection (1)	Nil <ul style="list-style-type: none"> • Too close to boundary 		Noted. Not supported - The variation is considered minor and to not unduly impact on the affected neighbour.

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

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

COMMENTS:

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

10.2.3 Proposed Transformer Location - Mount Hawthorn

Ward:	North	Date:	24 October 2005
Precinct:	Mt Hawthorn P1	File Ref:	RES0039
Attachments:	001:		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on Western Power's proposal to locate a transformer in Hawthorn Street, Mt Hawthorn;
- (ii) **APPROVES** the proposal to locate the transformer in Hawthorn Street, Mt Hawthorn at the location as shown on attached Plan No. A subject to Western Power:
 - (a) providing evidence that they have liaised with the adjoining property owner and that the adjoining property owner concurs with the proposed location;
 - (b) ensuring that appropriate landscaping is provided around the transformer for screening purposes in liaison with the Town's Parks Services Officers; and
 - (c) paying all costs associated with any service relocations and removals associated with the works; and
- (iii) **ADVISES** Western Power of its decision.

COUNCIL DECISION ITEM 10.2.3

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval for Western Power to install a ground mounted transformer in Hawthorn Street, Mt Hawthorn.

BACKGROUND:

On 20 October 2005, a letter was received from Western Power advising that as a result of recent residential building activity and the rise in individual household electricity usage in the Mt Hawthorn area, there is a need to upgrade the existing supply network in order to reduce the likelihood of future blackouts and protect the existing power infrastructure.

Western Power has requested that the Town give approval for the installation of a ground mounted transformer in the Hawthorn Street road reserve.

DETAILS:

On 8 March 2005, the Council adopted a draft policy on "Electricity Supply - Development Guidelines for Installation of Substations" and included the following statement in its decision:

"Wherever possible the Town will minimise and discourage isolated placement of electrical infrastructure in public spaces."

However, when 'retrofitting' transformers in established areas, Western Power either have to install a pole mounted transformer, of limited capacity, or a ground mounted transformer.

Western Power's recent experience indicates that there is greater community opposition to pole mounted transformers than there is to the ground mounted transformers. Further, a ground mounted transformer has greater capacity and would form part of any future underground power project in the area, potentially saving the project, and by extension the Town and the community, up to \$20,000.

With regard to this specific proposal, residents within the Mt Hawthorn area will benefit from the improved power infrastructure which will provide them with a more reliable power supply. Further, as recognition of potential power supply problems in the area over the coming summer, Western Power are keen to install the transformer before the Christmas holiday period.

Details of Location (refer to attached Plan Nos A & B)

The nominated location is within the road reserve verge on the northern side of Hawthorn Street between Matlock Street and The Boulevard. The adjoining property is an original post war cottage on a 769m² block (on two titles) which fronts Matlock Street, with Hawthorn Street forming its side boundary.

The proposed location would have minimal impact upon the adjoining residence in its current situation but could impact upon the property's future subdivisional and/or redevelopment potential.

Therefore it is strongly recommended that Western Power liaise with the property owner so that they are fully aware of the possible future implications.

The transformer would be situated adjacent an existing verge tree and would be shielded from view of traffic approaching from the west.

The proposed size of the structures would be 1.80m x 1.6m x 1.4m in height and painted green.

CONSULTATION/ADVERTISING:

Western Power is responsible for consulting with adjoining property owners.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

There will be no financial implications to the Town as the proposal will be fully funded by Western Power.

COMMENTS:

Whilst Council would prefer that transformers are not located in public spaces it is extremely difficult to 'retrofit' them in established residential areas. Generally the only opportunity to setback or 'hide' a transformer is when a proposed development that is reliant upon the power supply upgrade can be requested to cede a portion of land for the transformer site.

However, in this instance, as there are no significant development applications pending in the vicinity and as the installation is intended to improve power supplies for the greater area, Western Power are limited to placing the transformer in the road reserve.

Therefore the proposal to locate the transformer in Hawthorn Street should be supported as it will provide some surety of power supplies for the residents of Mt Hawthorn and should also result in cost savings for any future underground power proposals in the area.

10.2.5 Progress Report - Proposed Traffic Calming Measures in Fairfield Street, Mt Hawthorn

Ward:	North	Date:	2 November 2005
Precinct:	Mt Hawthorn P1	File Ref:	TES0334, TES0240 & PRO0266
Attachments:	001 ;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report on the proposed measures to improve safety and visibility for access and egress from properties in Fairfield Street, in the vicinity of the proposed Mount Hawthorn Shopping Centre;*
- (ii) *REFERS the preliminary concept proposal for the Fairfield Street road safety and traffic calming improvements, as shown on attached drawing No. 2361-CP-1 back to the Local Area Traffic Management Advisory Group, for further consideration;*
- (iii) *INVITES a representative group of Fairfield Street residents and Hawaiian Developments to attend the Local Area Traffic Management Advisory Group meeting;*
- (iv) *ACKNOWLEDGES the shopping centre redevelopment preliminary site works to be undertaken in Fairfield Street in November and December 2005;*
- (v) *REQUESTS that the developers submit a Construction Traffic Management Plan to the Town; and*
- (vi) *RECEIVES a further report once the Local Area Traffic Management Advisory has reconsidered the matter.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the Local Area Traffic Management Advisory Group's meeting of 20 June 2005 with residents of Fairfield Street, Mt Hawthorn, and subsequent events pertaining to the Mt Hawthorn Plaza Shopping Centre redevelopment.

BACKGROUND:

At its Ordinary Meeting of 12 April 2005, the Council received a report seeking to refer a number of matters to the Local Area Traffic Management (LATM) Advisory Group for consideration.

Amongst the items listed was *Fairfield Street, safety improvements north of Scarborough Beach Road*, specifically the section between Scarborough Beach Road and Woodstock Street. This section of Fairfield Street was referred to the LATM Advisory Group as there is potential for an adverse impact upon the residents' amenity as a result of the redevelopment of the adjacent Mt Hawthorn Plaza Shopping Centre.

Previously at its Ordinary Meeting of 8 March 2005, Council endorsed the following Notice of Motion.

That;

- (i) the Town's Officers carry out an investigation into measures to improve safety and visibility for access and egress from properties in Fairfield Street, in the vicinity of the proposed Mount Hawthorn Shopping Centre; and*
- (ii) a report concerning this matter be submitted to the Council no later than May 2005.*

The Notice of Motion was the result of residents of Fairfield Street voicing their concerns about the potential impact of the increased traffic generated by a redeveloped Mt Hawthorn Plaza Shopping Centre.

Subsequently, at its Ordinary Meeting of 12 April 2005, the Council received a report seeking to refer Fairfield Street, amongst other matters, to the LATM Advisory Group for consideration.

DETAILS:

LATM Advisory Group

The item was listed for discussion at the LATM Advisory Group's meeting held on 20 June 2005 and, as is standard practice for the Group's meetings to invite community representatives, three (3) residents of Fairfield Street were invited to attend.

The residents were primarily concerned about the potential increase in traffic using Fairfield Street as a result of the redevelopment of the Mt Hawthorn Plaza Shopping Centre. Other issues included traffic speed, the movement of large delivery trucks and the design and location of vehicle and pedestrian access points to the shopping centre.

A number of concept plans were tabled and discussed at the meeting, resulting in an in principle agreement on a proposed traffic management and streetscape enhancement scheme as shown on attached plan No. 2361-CP-1.

The main points of the plan included improvements to encourage large delivery trucks to use Scarborough Beach Road as the primary access in conjunction with traffic calming measures to north of the loading dock to discourage their using Fairfield Street. Further it was proposed that an on-road loading zone be created between Scarborough Beach Road and the loading dock, away from nearby residences, for those periods when there is a queue of delivery trucks.

In respect of pedestrian and road safety, it was suggested that the footpath between the loading dock, the shopping centre's existing internal service road, through to the proposed entry /exit to the undercroft carpark, be widened to eliminate on-road parking thereby improving sight distances.

Suggested streetscape improvements included a red asphalt embayed parking lane either side of the street with strategically located landscaped nibs, and as a possible stage 2, additional speed humps between the shopping centre and Woodstock Street.

Construction Traffic Management Plan

The residents were also concerned about construction traffic and site access during the redevelopment phase. It was recommended to the meeting that the Project Managers be requested to submit a Construction Traffic Management Plan to the Town formalising a site access agreement and that a fundamental part of the plan would be, where possible, to restrict construction traffic to using Scarborough Beach Road as the primary access.

However, because of on-going negotiations at the time between Hawaiian Developments and their principle client, they were not in a position to award the construction tender or provide a commencement date for the project. These issues have now been resolved and works are due to commence in the near future as indicated below.

Preliminary Site Works - November / December 2005

A building licence has recently been issued to Hawaiian Developments for the proposed redevelopment of the Mt Hawthorn Plaza Shopping Centre. As a consequence, Technical Services has been advised that preliminary site works are scheduled to commence in late November 2005.

Because the building contractor (Pyramid Constructions WA) has been instructed to minimise the impact upon the tenants of the shopping centre prior to the Christmas trading period, the proposed preliminary site works are reasonably limited.

The builder plans to demolish the existing brick wall and pump house on the Fairfield Street frontage of the site in preparation for sheet piling, which is required to support excavation of the undercroft carpark. However, at this time it is only intended to install the sheet piling and not excavate the site until the New Year.

To enable the safe installation of the sheet piling, the Fairfield Street footpath will be closed to pedestrian traffic for approximately two (2) weeks. A site fence will be erected around the work zone and advisory signage installed. However, a 1.5m path of travel will be maintained along the back of the kerb for those pedestrians who choose not to cross the road. It should be noted that piling method is not the old style 'ram' or 'pile driver' system but rather a vibratory method which is low impact and generates little noise. Work, by agreement, would be restricted to between the hours of 7.00am and 4.00pm Monday to Saturday.

Other minor works likely to occur in the pre Christmas period are internal fit-outs of the already vacant shops on the western side of the centre.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council's decision

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. “o) *Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.*”

FINANCIAL/BUDGET IMPLICATIONS:

Specific funds of \$7,500 have been allocated in the 2005/2006 budget for this project. Other funds that may be available include:

- \$15,000 (carried forward from 2004/2005) for traffic improvements Fairfield Street - Scarborough beach Road to Anzac Road.
- \$30,000 (carried forward from 2004/2005) for Mt Hawthorn traffic management.

The Council may consider the reallocation of these funds. This will be dealt with in the further report.

COMMENTS:

The discussions the LATM Advisory Group had with the residents of Fairfield Street at its meeting of 20 June 2005 provided a good foundation on which to develop a comprehensive Fairfield Street traffic management and streetscape enhancement plan.

As indicated in the main body of the report, the builders intend to commence preliminary site works on the Mt Hawthorn Plaza redevelopment project in the coming month but that intense activity will not start until the New Year.

Therefore, it is considered that the Developer and/or Builder be requested to submit a Construction Traffic Management Plan to the Town to formalise an agreed site access and management arrangement to protect the interests of the adjacent residents and the Town.

In respect of the existing \$7,500 budget allocation with which to undertake traffic management works in Fairfield Street, it was only ever intended for minor improvements. If the proposed scheme, or similar, is implemented the costs, which are yet to be determined, would greatly exceed the existing budget. However, in respect of time frames it would be impractical to start works prior to the new financial year and therefore a further report would be presented to Council seeking either a reallocation of current funds (as outlined above) or the allocation of additional funds during the 2006/07 budget deliberations period.

In respect of developer contributions for an approved traffic management scheme, it also allows the Town an opportunity to negotiate with the developer prior to the 2006/07 draft budget being formulated.

10.3.1 Capital Works Program 2005/2006 - Progress Report No 1 as at 30 September 2005

Ward:	Both	Date:	24 October 2005
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicher, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report No 1 for the period 1 July – 30 September 2005, for the Capital Works Program 2005/2006, as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the Council's Capital Works Program 2005-06 for the period 1 July 2005 to 30 September 2005.

BACKGROUND:

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 9 August 2005. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Program. This is the first Progress Report for this financial year covering the period ending 30 September 2005.

DETAILS:

The report focuses on the work that was due to be completed up to the end of the first quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 30 September 2005.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

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

1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The progress is currently proceeding according to funding in the Annual Budget 2005/2006.

COMMENTS:

The Capital Works Program is currently progressing according to the Council approved schedule.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	3 November 2005
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
29/09/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Perth Glory Pty Ltd of 310 Pier Street, Perth WA 6000 re: Perth Glory Meeting in Cantona Suite and Cruyff Suite - 4-5 October 2005
11/10/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Mustard Functions in Gareth Naven and Glory Lounge - 14 October 2005 and 20 October 2005

Date	Document	No of copies	Details
21/10/05	Lease	3	Town of Vincent and The French & Mauritian Society of WA Inc, Lot 2545 Farmer Street (Woodville Reserve), North Perth re: Bowling Green
01/11/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Spotless Functions in Gareth Naven and Glory Lounge - 3 November 2005

**10.4.3 Strategic Plan 2005-2010 (Amended) – Progress Report for the Period
1 July 2005 – 30 September 2005**

Ward:	Both	Date:	1 November 2005
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Executive Managers, R Boardman		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2005-2010 (Amended) for the period 1 July 2005 – 30 September 2005 as shown in Appendix 10.4.3.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report on the Strategic Plan for the period 1 July to 30 September 2005.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2004, the Council considered the matter of its Strategic Plan and resolved *inter alia* as follows:

“That the Council;

- (i) *ADOPTS the Council's Strategic Plan 2003-2008 as amended at the workshop held on 11 December 2004 ...*
- (ii) *USES the amended Strategic Plan as an Interim Plan for the period December 2004 until it is reviewed in mid to late 2005;*
- (iv) *REVIEWS its Strategic Plan in mid to late 2005 and considers an amount of \$10,000 in the draft Budget 2005/06 for this matter.”*

DETAILS:

Progress reports are reported to Council for each quarter as follows:

Period	Report to Council
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

It is not a legal requirement to have a Strategic Plan, however, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2005 – 2010.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the Town's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

10.1.9 No. 489-495 (Lot 200) Fitzgerald Street, North Perth - Proposed Change of Use from Four (4) Single Houses to Four (4) Offices

Ward:	North	Date:	31 October 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO2047; 5.2005.3087.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Prestige Project Management Pty Ltd on behalf of the owner TRG Properties Pty Ltd for proposed Change of Use from Four (4) Single Houses to Four (4) Offices, at No. 489-495 (Lot 200) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 4 August 2005, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the Town's Policy relating to Knutsford Locality and the objectives of the Town Planning Scheme No.1; and*
 - (c) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
- (ii) *the Council ADVISES the owners and applicant that a mix-use residential/home office use within the subject properties may be considered and that and the applicant can receive advice from the Town in regard to this matter.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Messina, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

Landowner:	TRG Properties Pty Ltd
Applicant:	Prestige Project Management Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	5224 square metres
Access to Right of Way	West side, 5.0 metres wide, sealed, privately-owned (subject right of way scheduled to be converted to dedicated road)

BACKGROUND:

- 17 December 2002 The Council at its Ordinary Meeting refused an application for twenty-eight (28) two-three storey multiple dwellings, including ten (10) single bedroom multiple dwellings, and associated semi-basement car parking, to the existing four (4) grouped dwellings, on the subject property.
- 10 February 2004 The Council at its Ordinary Meeting refused an application for fourteen (14) two-three storey multiple dwellings, seven (7) two storey grouped dwellings, and associated car parking, to existing four (4) single houses.
- 27 April 2004 The Council at its Ordinary Meeting conditionally approved an application for proposed additional sixteen (16) two-storey grouped dwellings to existing four (4) single houses.
- 25 May 2004 The Council at its Ordinary Meeting conditionally approved an application for proposed additional sixteen (16) two-storey grouped dwellings to existing four (4) single houses - reconsideration of condition in relation to carports to right of way.
- 28 September 2004 Conditional Approval was granted by the Western Australian Planning Commission for the survey strata subdivision of the subject site.
- 8 March 2005 Conditional Approval was granted by the Western Australian Planning Commission for the built strata subdivision of the subject site.

DETAILS:

The proposal involves change of use from four (4) single houses to four (4) offices at the subject property. The planning application does not provide details of the office use as the application was lodged in anticipation that potential purchasers may want to utilise the existing dwellings as an office building. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	While submission implied no objection to the 'change of use', concerns were raised in relation to the following: <ul style="list-style-type: none"> • large signage • car parking encroaching on to street 		Not supported- this would be conditioned accordingly in event of approval. Not supported- adequate car parking has been provided for and matter to be monitored by Town's Rangers Services in the event of approval.

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
Car Parking Requirement (nearest whole number) <ul style="list-style-type: none"> • Office: 1 car bay per 50 square metres of gross floor area Strata 1 - 136 square metres Strata 2 - 148 square metres Strata 3 - 111 square metres Strata 4 - 128 square metres 	Strata 1,2 and 4 - 3 car bays (per strata) Strata 3 - 2 car bays
Apply the adjustment factors <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) 	(0.8075) Strata 1,2 and 4 - 2.43 car bays (per strata) Strata 3 - 1.62 car bays
Minus car parking on-site	3 car bays (per strata)
Minus the most recently approved on-site car parking shortfall	Nil
Resultant surplus	Strata 1,2 and 4 - 0.47 car bay (per strata) Strata 3 - 1.38 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:

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

- the relevant Knutsford Locality Plan does not stipulate non-residential uses as being part of the desired future character of the area;
- the Town's Economic Development Strategy makes reference in its discussions on North Perth to '*Limit future retail development beyond the core area unless there is economically driven integration with the core precinct*'. In this respect, it is considered that commercial uses, of a retail or office nature, will reduce the effectiveness of the Town's strategy to consolidate and strengthen the town centre;
- the future potential office use may not serve the day-to-day needs of the residents and therefore, be more appropriate to be located in areas which have been appropriately zoned and developed for such uses, that is the District Centre and Commercial areas;
- the proposal is likely to encourage further commercial intrusion within the residential area and hence, considered to unduly affect the economic viability of the Town's District Centres and Commercial areas ; and
- the actual office use and details of its operation is unknown at this stage and may potentially accommodate intensive office uses and therefore, result in effects that would not normally be expected from a property zoned Residential.

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

It is regarded however, that in this instance a mix residential/home office use within the subject properties may be considered as an appropriate transitional use between the North Perth commercial and residential zoning and that the applicant should be advised so accordingly, as per clause (ii) of the Officer Recommendation.

10.1.1 Further Report - No. 43 (Lot 45) Commonwealth Avenue, North Perth - Proposed Carport Addition to Existing Single House

Ward:	North	Date:	1 November 2005
Precinct:	Smith's Lake; P06	File Ref:	PRO3285; 5.2005.3097.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	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 REFUSES the application submitted by Patio Living on behalf of the owners T J Davies and C E Herbison for proposed Carport Addition to Existing Single House, at No. 43 (Lot 45) Commonwealth Avenue, North Perth, and as shown on amended plans stamp-dated 28 October 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks, which requires vehicular access to car parking from a right of way.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Messina, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 27 September 2005, considered the subject proposal and resolved as follows:

"That the Item be DEFERRED to permit an amended application to be submitted."

The applicant has since forwarded an amended submission to the Town. The applicant's submission is "Laid on the Table". In summary, the submission:

- states that the front setback back area comprises of 70 per cent garden and 30 per cent of paved parking area;
- states that the carport will be designed not to detract from the streetscape and to match the house; and

- states that amended plans have been submitted, with the differences being the carport reduced in height from 2.4 metres to 2.1 metres, the number of posts being reduced from 4 to 3 on each side and the front posts being realigned to be on the front boundary.

Whilst the applicants' comments are noted, it is still considered that the carport will detract from the existing streetscape and unduly impact upon the amenity of the area. In light of this and there being a feasible opportunity for the carport and vehicular access to be located from the right of way, the Officer Recommendation remains unchanged, except for reference to the amended plans stamp dated 28 October 2005.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 27 September 2005.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Patio Living on behalf of the owners T J Davies and C E Herbison for proposed Carport Addition to Existing Single House, at, No. 43 (Lot 45) Commonwealth Avenue, North Perth, and as shown on plans stamp-dated 10 August 2005, for the following reasons:

- the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- the non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks, which requires vehicular access to car parking from a right of way.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That the Item be DEFERRED to permit an amended application to be submitted.

CARRIED (6-2)

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

(Cr Ker on leave of absence.)

<i>Landowner:</i>	<i>T J Davies & C E Herbison</i>
<i>Applicant:</i>	<i>Patio Living</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30</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>384 square metres</i>
<i>Access to Right of Way</i>	<i>West side, 5.0 metres wide, sealed, Town owned</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal is for the construction of a carport within the front setback area, with vehicular access off of the primary street (Commonwealth Avenue).

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Vehicular Access Policy and Street Setbacks Policy</i>	<i>Vehicular access to car parking is required from the existing right of way.</i>	<i>Vehicular access from the primary street, and not the right of way.</i>	<i>Not supported - the proposal does not comply with the Policies. A carport within the front setback area will detract from the existing streetscape, which is open in nature and dominated by gardens.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection</i>	<i>Nil</i>		<i>Noted</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

COMMENTS:

The subject property is located along Commonwealth Avenue, which has a built form dominated by single storey bungalows. The streetscape is considered to have an 'open' form, with the majority of the front setback areas being used for gardens.

The proposed carport does not comply with the Town's Vehicular Access and Street Setbacks Policies, in that it is required to be located with vehicular access from the existing right of way and not the primary street. The carport will detract from the existing streetscape and will adversely impact upon the amenity of the area.

It is therefore recommended that the subject planning application be refused, for the reasons outlined above."

The Presiding Member advised that Cr Ker had declared a proximity interest in this Item. Cr Ker departed the Chamber at 7.15pm and did not speak or vote on the matter.

10.1.13 Further Report – Outcome of Community Consultation and Various Issues Relating to Carr Place Leederville

Ward:	South	Date:	30 October 2005
Precinct:	Oxford Centre; P4	File Ref:	ENS0017
Attachments:	-		
Reporting Officer(s):	Various Officers		
Checked/Endorsed by:	D Abel, R Lotznicher, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the outcome of Community Consultation and on various other issues relating to Carr Place, Leederville;*
- (ii) *NOTES that the majority of respondents to the community survey are NOT IN FAVOUR of the proposal to trial "residents only" parking on the northern side of Carr Place;*
- (iii) *NOT PROCEED with the trial "Residents Only" parking on the northern side of Carr Place, given the survey results, and for the reasons outlined in the report;*
- (iv) *IMPLEMENTS the following measures to improve the overall amenity of Carr Place;*
 - (a) *erects advisory signage at the entrance to Carr Place advising visitors that they should be mindful of resident's local amenity and advise of alternative parking areas in the Oxford Centre;*
 - (b) *examines ways to provide additional parking in the Oxford Centre and promote these areas via the production/distribution of a leaflet outlining the location of the existing parking locations and make the existing parking locations more legible;*
 - (c) *carries out an appropriate infrastructure upgrade including the addition of an entry statement to improve the amenity of Carr Place in liaison with residents and businesses as detailed in the report and notes that funds for this purpose have been allocated in the 2005/2006 budget; and*
 - (d) *investigates changing the bin collection day, thereby removing the bin vandalism factor on Wednesday nights when residents have left their bins out;*
- (v) *REQUESTS the Chief Executive Officer to investigate the introduction of paid parking and "no verge" parking in Carr Place and adjacent Newcastle Street and Oxford Street (between Leederville Parade and Vincent Street) and in consultation with residents and business proprietors and submit a further report at the conclusion of the consultation;*

- (vi) *NOTES that;*
- (a) *a 250 watt High Pressure Sodium street light has recently been installed on every light pole in Carr Place, between Newcastle Street and Bold Court, the same standard of lighting as a District Distributor Road such as Vincent Street and far exceeds the Australian Standards for an Access Road; and*
 - (b) *the Town's Rangers actively police the current parking restriction in Carr Place being "2 hours at all times" especially at night;*
- (vii) *AUTHORISES the Chief Executive Officer to:*
- (a) *lodge a formal sub-sections (a) and (b) Complaint/s under Section 117 (2)(b) of the Liquor Licensing Act on behalf of the Council on the grounds of the petition received, outlining reported unruly, noisy and anti-social behaviour being experienced by the residents in Carr Place, Leederville, alleging a contravention of Section 117;*
 - (b) *lodge a request to review the Leederville Hotel's liquor license and conditions thereof in accordance with Section 117 sub-sections (1) where, with respect to licensed premises, a complaint under this section is lodged with the Director (of Liquor Licensing) alleging:*
 - (aa) *that the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; and*
 - (bb) *that disorderly conduct occurs frequently in the vicinity of the licensed premises on the part of the persons who have resorted to the licensed premises, which is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity, including;*
 - (1) *a review of the trading hours;*
 - (2) *a review of the maximum accommodation numbers;*
 - (3) *a review of the activities being provided at the premises;*
 - (4) *a review of the measures taken by the Licensee outside and in the vicinity of the licensed premises;*
 - (5) *conditions requiring licensees to provide a courtesy bus to transport patrons from their venue; and*
 - (6) *any other matters deemed appropriate; and*
 - (c) *lodge a request with the Department of Racing, Gaming and Liquor and Office of the Alcohol and Drug Adviser (WA Police Service) to investigate if other nearby liquor licensed establishments contribute substantially to unruly behaviour in the Carr Place vicinity, in particular;*
 - (aa) *to ensure appropriate compliance with the Act;*
 - (bb) *to give effect to an agreement about the management of the premises;*

- (cc) to minimize harm caused by alcohol abuse and misuse and associated violence;*
- (dd) to minimize alcohol related disturbances, or public disorder in the locality; and*
- (ee) conditions requiring licensees to provide a courtesy bus to transport patrons from their venue; and*
- (d) upon receiving the reports, submit a report to Council to consider if Section 117 Complaints should also be lodged against one or more of those relevant liquor licensed establishments;*
- (viii) AUTHORISES the Chief Executive Officer to take legal action or counsel that may become necessary as a consequence of the lodgment of the complaint; and*
- (ix) prior to lodging a formal complaint REQUESTS that the Licensee of the Leederville Hotel voluntarily consent to immediately undertake the following measures to minimise the impact of its patrons on Carr Place residents and these to be included in the reviewed conditions of its liquor license as follows:*
 - (a) implements measures to ensure that patrons depart the hotel via the rear entrance to the Leederville Hotel Car Park;*
 - (b) implements measures to promote the use of the Town's Leederville Oval Car Park at night; and*
 - (c) continues the current security patrol of two Crowd Controllers with visible or reflective clothing on Wednesday, Friday, Saturday and Sunday evenings between 11.00pm to 1.00am at the Hotel's expense until at least the end of the current use, when a restaurant use is implemented as advised; and for this to be agreed in writing to the Town and the Director Liquor Licensing prior to Friday 25 November 2005;*
 - (d) reviews its activities on Wednesday nights; and*
 - (e) considers the provision of a courtesy bus services to transport late-night patrons from the venue.*

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Messina

That clauses (iv)(b), (v) and (ix)(a) be amended to read as follows:

- "(iv) (b) examines ways to provide additional parking in the Oxford Centre and promote these areas via 'directional signage' and the production/distribution of a leaflet outlining the location of the existing parking locations and make the existing parking locations more legible and illuminated;*

- (v) **REQUESTS the Chief Executive Officer to:**
- (a) investigate the introduction of paid parking, including parking meters and “no verge” parking in Carr Place and adjacent Newcastle Street and Oxford Street (between Leederville Parade and Vincent Street) and in consultation with residents and business proprietors and submit a further report at the conclusion of the consultation;
 - (b) investigate the number of taxi ranks, their location and visibility in the area as outlined in the report and prepare further report at the conclusion of consultation;
 - (c) continue to liaise with the Taxi Industry Board regarding the number of taxis in the area; and
 - (d) write to the Minister for Planning and Infrastructure requesting an increase in the number of taxi licences granted to cater for demand in entertainment districts citing examples of excessive waiting periods of up to two hours, the number of people exiting licensed premises at once and conflict with residential areas; "
- (ix) (a) implements measures to ensure that patrons depart the hotel via the rear entrance to the Leederville Hotel Car Park *subject to management plans to advise in conjunction with Council Officers;*”

Debate ensued.

AMENDMENT CARRIED (6-0)

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

Moved Cr Chester, **Seconded** Cr Messina

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

- "(iii) **NOT PROCEEDS with the trial "Residents Only" parking on the northern side of Carr Place and Bold Court, given the survey results, and for the reasons outlined in the report; adjoining only the residential zoned components of the streets, between 9.00pm and 7.00am Monday to Sunday inclusive for a trial period of three (3) months only, and for a 2 hour time limit to be applicable at all other times and for a report to be prepared and presented to Council as soon as practicable after the conclusion of the trial;**”

Debate ensued.

AMENDMENT CARRIED (5-1)

For
Deputy Mayor, Cr Steed Farrell
Cr Chester
Cr Lake
Cr Maier
Cr Messina

Against
Cr Doran-Wu

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

Moved Cr Lake, **Seconded** Cr Maier

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

“(ii) *NOTES that the majority of respondents to the community survey are ~~NOT IN FAVOUR~~ of ~~the proposal to a trial of~~ "residents only" parking ~~on the northern side of in~~ Carr Place;*”

AMENDMENT CARRIED (6-0)

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

Moved Cr Maier, **Seconded** Cr Lake

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

“(vii) (b) *lodge a request with the Director (of Liquor Licensing) to review the Leederville Hotel's liquor license and conditions thereof in accordance with Section 117 sub-sections (1) ~~where, with respect to licensed premises, a complaint under this section is lodged with the Director (of Liquor Licensing) alleging:~~*

(aa) alleging that:

- (1) ~~that~~ the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of ~~any activity~~ activities occurring at the licensed premises; and*
- (2) ~~that~~ disorderly conduct occurs frequently in the vicinity of the licensed premises on the part of the persons who have resorted to the licensed premises, which is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity, ~~including;~~ and*

(bb) requesting that such a review include:

- (1) a review of the trading hours;*
- (2) a review of the maximum accommodation numbers;*
- (3) a review of the activities being provided at the premises;*
- (4) a review of the measures taken by the Licensee outside and in the vicinity of the licensed premises;*

- (5) *conditions requiring licensees to provide a courtesy bus to transport patrons from their venue; and*
- (6) *any other matters deemed appropriate; ~~and~~*"

Debate ensued.

AMENDMENT CARRIED (6-0)

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

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

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

“(x) that a meeting be held between the owners and operators of licensed premises within the Leederville area and Council Officers to discuss anti-social behaviour.”

AMENDMENT CARRIED (6-0)

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

Moved Cr Messina, **Seconded** Cr Lake

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

“(xi) that the Town’s Officers liaise with nearby business owners in the vicinity to distribute permits allowing employees in the vicinity to park unrestricted on the southern side of Carr Place between the hours of 6pm and 7am respectively Monday to Sunday for the trial period only.”

Debate ensued.

Cr Messina withdrew his amendment with the consent of the seconder.

Moved Cr Messina, **Seconded** Cr Lake

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

“(xi) that the Town’s Officers investigate liaising with nearby business owners in the vicinity to distribute permits allowing employees in the vicinity to park unrestricted on the southern side of Carr Place between the hours of 6pm and 7am respectively Monday to Sunday for the trial period only.”

Debate ensued.

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

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

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

Moved Cr Chester, Seconded Cr Lake

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

“(iv) (a) *erects advisory signage at the entrance to Carr Place advising that there is a residential parking area and ~~that they should be mindful of resident's local amenity and~~ advise of alternative parking areas in the Oxford Centre;*”

Debate ensued.

AMENDMENT CARRIED (4-2)

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

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

MOTION AS AMENDED CARRIED (6-0)

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

The Chief Executive Officer advised that as the recommendation had been amended significantly, reasons would need to be given.

Reasons:

1. The details of the survey responses indicated that the majority of respondents were in favour of the “residents only” restrictions.
2. Petition that was raised previously giving support for some restrictions in the Carr Place and Bold Court area.

COUNCIL DECISION ITEM 10.1.13

That the Council;

- (i) *RECEIVES the further report on the outcome of Community Consultation and on various other issues relating to Carr Place, Leederville;*
- (ii) *NOTES that the majority of respondents to the community survey are IN FAVOUR of a trial of "residents only" parking in Carr Place;*

- (iii) *PROCEEDS with "Residents Only" parking on Carr Place and Bold Court, adjoining only the residential zoned components of the streets, between 9.00pm and 7.00am Monday to Sunday inclusive for a trial period of three (3) months only, and for a 2 hour time limit to be applicable at all other times and for a report to be prepared and presented to Council as soon as practicable after the conclusion of the trial;*
- (iv) *IMPLEMENTS the following measures to improve the overall amenity of Carr Place;*
- (a) *erects advisory signage at the entrance to Carr Place advising that there is a residential parking area and of alternative parking areas in the Oxford Centre;*
 - (b) *examines ways to provide additional parking in the Oxford Centre and promote these areas via 'directional signage' and the production/distribution of a leaflet outlining the location of the existing parking locations and make the existing parking locations more legible and illuminated;*
 - (c) *carries out an appropriate infrastructure upgrade including the addition of an entry statement to improve the amenity of Carr Place in liaison with residents and businesses as detailed in the report and notes that funds for this purpose have been allocated in the 2005/2006 budget; and*
 - (d) *investigates changing the bin collection day, thereby removing the bin vandalism factor on Wednesday nights when residents have left their bins out;*
- (v) *REQUESTS the Chief Executive Officer to:*
- (a) *investigate the introduction of paid parking, including parking meters and "no verge" parking in Carr Place and adjacent Newcastle Street and Oxford Street (between Leederville Parade and Vincent Street) and in consultation with residents and business proprietors and submit a further report at the conclusion of the consultation;*
 - (b) *investigate the number of taxi ranks, their location and visibility in the area as outlined in the report and prepare further report at the conclusion of consultation;*
 - (c) *continue to liaise with the Taxi Industry Board regarding the number of taxis in the area; and*
 - (d) *write to the Minister for Planning and Infrastructure requesting an increase in the number of taxi licences granted to cater for demand in entertainment districts citing examples of excessive waiting periods of up to two hours, the number of people exiting licensed premises at once and conflict with residential areas;*
- (vi) *NOTES that;*
- (a) *a 250 watt High Pressure Sodium street light has recently been installed on every light pole in Carr Place, between Newcastle Street and Bold Court, the same standard of lighting as a District Distributor Road such as Vincent Street and far exceeds the Australian Standards for an Access Road; and*

- (b) *the Town's Rangers actively police the current parking restriction in Carr Place being "2 hours at all times" especially at night;*
- (vii) **AUTHORISES** the Chief Executive Officer to:
- (a) *lodge a formal sub-sections (a) and (b) Complaint/s under Section 117 (2)(b) of the Liquor Licensing Act on behalf of the Council on the grounds of the petition received, outlining reported unruly, noisy and anti-social behaviour being experienced by the residents in Carr Place, Leederville, alleging a contravention of Section 117;*
- (b) *lodge a request with the Director (of Liquor Licensing) to review the Leederville Hotel's liquor license and conditions thereof in accordance with Section 117 sub-sections (1):*
- (aa) *alleging that:*
- (1) *the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of activities occurring at the licensed premises; and*
- (2) *disorderly conduct occurs frequently in the vicinity of the licensed premises on the part of the persons who have resorted to the licensed premises, which is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity; and*
- (bb) *requesting that such a review include:*
- (1) *a review of the trading hours;*
- (2) *a review of the maximum accommodation numbers;*
- (3) *a review of the activities being provided at the premises;*
- (4) *a review of the measures taken by the Licensee outside and in the vicinity of the licensed premises;*
- (5) *conditions requiring licensees to provide a courtesy bus to transport patrons from their venue; and*
- (6) *any other matters deemed appropriate;*
- (c) *lodge a request with the Department of Racing, Gaming and Liquor and Office of the Alcohol and Drug Adviser (WA Police Service) to investigate if other nearby liquor licensed establishments contribute substantially to unruly behaviour in the Carr Place vicinity, in particular;*
- (aa) *to ensure appropriate compliance with the Act;*
- (bb) *to give effect to an agreement about the management of the premises;*
- (cc) *to minimize harm caused by alcohol abuse and misuse and associated violence;*

Following dissatisfaction of this decision by some members of the public, a further report on the matter was presented to a Special Meeting of Council held on 7 September 2005, where the previous decision was *rescinded* and the following decision adopted (in part):

- “(v) *That the Council APPROVES BY AN ABSOLUTE MAJORITY of the following:*
- (a) *to immediately REMOVE the “Residents Only” parking restrictions on both the northern and southern side of Carr Place and Bold Court (operating 6pm to 7am Wednesday to Sunday) and NOTES that the existing restrictions will remain in place until a Council decision is made;*
 - (b) *to CONSULT in accordance with the Council's Community Consultation Policy 4.1.5 relating to “Parking Restrictions”, with all residents and business proprietors in Carr Place, Bold Court, the north and south side of Newcastle Street between Oxford Street and Carr Place and the east side of Oxford Street, between Vincent Street and Frame Court Carpark for a period of twenty one (21) days, requesting their comments on the proposed introduction of a three (3) month trial of "Residents Only" parking on the northern side of Carr Place adjoining only the residential component of the street, between 6.00pm and 7.00am Monday to Sunday inclusive, as shown on attached Plan No 2363-PP-1;”*
 - (c) *to RECEIVE a further report at the conclusion of the consultation period;”*

At this Meeting, the Council further decided as follows:

- “(d) *to REQUEST the Liquor Licence Inspector of the Department of Racing, Gaming and Liquor and the Alcohol and Drug Advisor of the WA Police to conduct a minimum of three (3) late night random surveys of human activities and/or anti-social behaviour in the Oxford Centre on Wednesday nights and one of either Friday, Saturday or Sunday nights and to advise the Town of;*”
- (1) *the findings;*
 - (2) *the permitted hours of operation (particularly closing times) of the liquor licensed establishments in the Oxford Business Centre, Leederville; and*
 - (3) *subsequent recommendations;*
- (e) *upon receiving the report referred to in (d) above, the Council gives consideration to lodging a formal complaint under Section 117 of the Liquor Licensing Act 1988 (as amended) that;*
- (1) *the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or*
 - (2) *any –*
 - (i) *behaviour of persons on the licensed premises;*
 - (ii) *noise emanating from the licensed premises; or*
 - (iii) *disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises;*

is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity.

- (f) *to REQUEST the Western Australian Police to carry out an increased presence and patrols on Wednesday nights, until the problem is abated; and*
- (g) *to arrange a Forum of the various stakeholders including Licensees', business proprietors, residents, Police, Liquor Licensing Officers and Council Officers, with the aim to address the current problems being experienced in the Oxford Business Centre and Carr Place."*

DETAILS:

Actions undertaken, in accordance with *clause (v) parts (a), (b) and (c)* of the Council's decision from its Special Meeting held on 7 September 2005, are outlined below.

Removal of "Resident Only" Parking Restrictions

In accordance with *Clause (v)(a)* of the Council's decision, the *Residents Only* parking restrictions on both the northern and southern sides of Carr Place and in Bold Court were removed on the morning of 8 September 2005. The existing parking restrictions are currently in force.

Community Consultation

In accordance with *Clause (v)(b)* of the Council's decision, on 14 September 2005 residents and businesses in Carr Place, Bold Court, the north and south sides of Newcastle Street between Oxford Street and Carr Place and the east side of Oxford Street, between Vincent Street and Frame Court Carpark, were invited to comment on the proposed introduction of a trial period of *residents only* parking on the north side of Carr Place.

Consultation letter

In accordance with standard practice, the consultation letter stated that if the public wished to submit comments regarding the proposed *residents only* parking restriction, they were to complete the form (as attached) and return it in the reply paid envelope provided by no later than Thursday, 6 October 2005.

To ensure the public were fully aware of the Town's Local Law Relating to Parking Facilities, the following information was included in the consultation letter:

- “1 *The Town of Vincent Local Law, Relating to Parking Facilities, limits the maximum number of Residential Parking Permits which may be issued to any unit, in a unit development, to one (1) permit.*
2. *The assessment criteria used for issuing Residents Parking Permits and Visitors Permits in the street will be the same as that which is employed to assess exemptions for time restricted parking and therefore if you have previously been assessed as ineligible you will not receive permits should a Resident Only parking restriction zone be implemented.”*

Further, the consultation letter outlined the Town's "Residential and Visitors Parking Permits" policy as follows:

“1. Residential Parking Permits

1.1 *A maximum of two (2) Residential Parking Permits will be issued to the occupier of a residential property in accordance with the Town of Vincent Local Law Relating to Parking Facilities.*

1.2 *A Residential Parking Permit shall not be issued:*

- (i) except after providing proof of residency and proof of ownership of the nominated vehicle(s); and*
- (ii) except in accordance with clauses 58, 59, 60, 61 and 66 of the Parking Facilities Local Law;*
- (iii) to any large commercial vehicle (average sized panel vans and utilities excepted); or*
- (iv) to any business premises.*

1.3 *Where the number of parking bays provided in a Unit Development does not form part of the strata title, but the number of bays is greater than or equal to the number of residential units, the Town shall not issue any Residential Parking Permits.*

Where the number of parking bays provided in a Unit Development, do not form part of the strata title and the number of bays is less than the number of residential units, the Town shall issue the deficit number of Residential Parking Permits, to a maximum of ten (10) Residential Parking Permits, to the strata management of the property or to the nominated representatives of the tenants, so that these representatives may issue permits to those residents who they believe are most in need.

2. Visitors' Parking Permits

A maximum of two (2) Visitors Parking Permits shall be issued to a residential property, except in the cases of residential units, where a maximum of only one (1) Visitors Parking Permit shall be issued, as required.”

Comments Sheet

Also, as is standard practice, a comments sheet and reply paid envelope were attached to the consultation letter with 'yes' and 'no' responses requested by ticking the appropriate box. The comments sheet also allowed space for further comments.

Consultation Results

A total of two hundred and ten (210) questionnaires were distributed in the approved consultation area, however, it was noted that seven (7) households in Carr Place photocopied the forms and returned fourteen (14) response sheets. At the close of the consultation period, fifty (53) responses in all were received representing a 24% response rate:

- Thirty (30) respondents were *against* the proposal as presented (57%)
- Twenty three (23) *in favour* of the proposal (43%)

Against

The main points raised by those who said they did *not agree* with the proposal are listed below:

- I can't see that Residents Parking on one side will make any difference to noise etc.
- I pay greater rates than residents and now I'm being penalised by not allowing parking during these times
- This reminds me of people buying a house in Jandakot and then complaining about aircraft noise. Leederville is an inner city suburb and the residents know the score when it comes to retail trade, noise, air quality, crime and traffic etc.
- The proposal is not satisfactory until more public parking is available.
- As a business owner on Oxford Street, we are continually hearing complaints from our customers regarding the lack of parking in the area.
- I have lived in this street on and off for over 8 years (6 out of the last 8). A little bit of vitality is why I originally moved into Leederville, and if anything in recent history the area has got quieter. Don't punish everyone in the street for either the bad behaviour of a few or the over the top responses of the self appointed strong-arming mouthpieces.
- Parking is bad enough for the businesses in the area as it is. We have people ringing up and cancelling bookings because they cannot find a place to park. We need more parking, not less!! The businesses are the lifeline of the Council.
- We do not think the new proposal will have any (positive) effect on late night noise (motor-vehicle and person), anti social behaviour, vandalism, speeding and over-revving of motor-vehicles etc. especially on Wednesday nights.
- While I agree in principle the proposal is too inflexible. Perhaps after 10pm would be more suitable.
- The proposed trial is impractical and unworkable. Make Frame Court Car Park free at night.
- We do not agree with the proposal. We suggest that Frame Court Car Park be utilised and made free at night.
- To be honest it would be pointless to implement this trial as people would still park in the street and the behaviour and vandalism would continue.
- We moved to the area in full knowledge of parking problems and occasional anti-social behaviour by patrons departing the night time attractions of Leederville. Probably most other residents moved here after Leederville became popular at night, so it's a bit rich to make a fuss now. Why not install parking meters all along Carr Place?
- I feel the trial of "Residents Only Parking" on the north side of Carr Place to be impractical and will not suffice to solve the problems of social issues. I would suggest the car park at Frame Court be used on a free basis from 5/6pm onwards.
- The answer to the problem is not in limiting available parking. Residents Only Parking can only be acceptable to Carr Place businesses trading evenings if it is from a later time, 10pm or 10.30pm.
- The introduction of this policy will suggest the Town of Vincent is more concerned with residents than the businesses of the area.
- The proposal will increase parking on the south side of Carr Place. More free parking should be made available for those patronising the businesses.
- During the trial some of my customers got tickets and will now not be returning. Make parking free in other areas after 6pm.
- The role of the Council is to represent both business and residential rate payers. The residents in Carr Place have been forced to tolerate unacceptable drunken behaviour.

In Favour

The main points raised by those who did say that they agreed with the proposal are listed below:

- I agree with the proposal on the basis that there are signs erected along Carr Place and the street is policed vigorously.
- Agree but want restrictions on both sides of the street.
- The behavioural problems need to be addressed one way or another. Extra police/security patrols on "big" nights seem to make a difference. Maybe outside/expert consultation is needed.
- It's only a trial. At the very least we should be able to see whether or not it works, before the whole idea gets scrapped.
- I do find it frustrating to come home with a car load of gear and not be able to park outside my house.
- The disruptive and destructive behaviour of patrons leaving the local licensed areas was and is frustrating. I was pleased at the Council's initial proposal to introduce residential parking restrictions and then upset that the local licensed establishments had the power to overturn a resident's right to peace and parking.
- If the street is to be residential parking only then surely people who live in a unit development with one car bay could receive one extra permit for street parking.
- There are not many businesses that should be affected by this restricted parking proposal as not many are open between 6pm and 7am.
- Another option is to have a patrol person with a dog patrol the street during Wednesday thru Sunday night. This was very effective a few years ago.
- The Council needs to stop approving new buildings and start building a car park. You are killing money business on the strip. We are hurting!!
- In addition to parking restrictions serious attention should be given to liquor license which allows late opening on Wednesday nights.
- Any residents only parking should include Bold Court.
- Per the 7 September minutes I agree with Mr Craig Hutchinson. Carr Place parking does not add significant space and should be "residents only". Other solutions include a multi level car park, and perhaps use of Water Corps car park on a paid basis after business hours.
- We operate a business 24 hours Mon-Fri with various hours during the weekends. Whilst we have a carpark that accommodates 6 car bays, staff may commence at 5am and park on the street or verge to allow staff who start later to park in the premises. Will the restriction penalise these staff parking during these hours? Are special permits available for working hours for permanent employees, as opposed to restricted two hour parking?
- I want "no parking" both sides.
- The businesses enjoy ample profit, don't let them dictate the terms and conditions at the cost of residents.

Points to be noted

- Ten (10) of those *against* the proposal said they would prefer the restrictions on both sides of the street, however this cannot be translated into a degree of support for the introduction of *residents only* parking on the north side only, as concern was expressed that this may in fact exacerbate the problem for those on the south side of the street.
- Some respondents, both residents and business proprietors, believed they will be exempted from the restrictions even though they have been assessed previously and deemed ineligible.

- A large number of respondents suggested that "free" parking in Leederville in the evenings would solve the problem.

Conclusions/Recommendations

In summary, of the 210 questionnaires distributed, about 150 of those were distributed in Carr Place and Bold Court with an overall total of 23 responses *in favour* of the proposal as presented being received.

Those *in favour* offered many views from a desire to have an available parking space in front of their property to the Council needing to stop approving new developments and start building more car parks in the area.

Those *against* stated that it was their opinion that resident parking would make no difference to noise and the proposal was pointless as people would continue to park in the street. Many expressed the opinion that free parking at night in public carparks was a more appropriate measure.

Some of the respondents suggested that should the proposal be supported, it should commence at 10.00 or 10.30pm. Rangers' shifts currently finish at midnight on most nights of the week and therefore they would only be able to patrol the street once, during the evening.

The Manager Ranger Services and Community Safety believes that the Rangers' shifts should not continue beyond midnight on any day of the week as the Town's shift roster already spans a substantially greater period than does most other local governments, including the City of Perth. It is also important to consider that, when the patrons of the Leederville Hotel leave the venue, many of them walk up Carr Place, towards Loftus Street.

Carr Place comprises a mixed residential and commercial street, with the residential component split between single dwellings and unit developments. Extended time restrictions of two (2) hours *at all times* are already in place on the north side of Carr Place and various restrictions on the south side of the street.

As stated in the report presented to Council on 23 August 2005, some residents of Carr Place had suggested that hotel patrons returning to collect their cars were the main cause of the anti-social behaviour in the street however, an estimated 60% of pedestrian traffic in Carr Place is either from residents of the street, or from people using Carr Place as a short cut to Loftus Street and beyond. Security patrols have witnessed that some incidents of damage and disturbing noise were directly attributed to residents of the street themselves.

The Town's Rangers identified that during their visits in September and October there were always vacant 'on road' parking spaces available in Carr Place. On Wednesday evenings, an 'average' total of 28 vehicles were parked, leaving about 33 vacant spaces available to residents. The Rangers also identified that Sunday nights were far busier with an average of 43 parked vehicles, leaving an average of 18 vacant bays.

Although kerbside parking is keenly sought in Carr Place on occasions, and this may result in some residents from time to time not finding parking available immediately outside their residence, parking practice in the street is considered to be in accordance with reasonable expectations for such a locality. Restricting parking to *residents only* should not be used as a "panacea" for noise and anti-social behaviour from patrons leaving night spots in the area.

As previously reported to the Council, *Residents Only* restrictions in public streets are no longer supported in inner city areas where residents, businesses and their clients/customers are required to co-exist.

The City of Perth, in its "Resident Only-Street Parking Policy" states that *on street parking for people living in the city will be managed to balance residential, commercial and other parking demands and Community access to residential areas is to be maintained and exclusive on-street residential parking will generally not be acceptable.*

The City of Perth's policy does not turn parking in its streets over to *residents only*, but limits special parking privileges for residents to the issue of exemptions from time restricted or pay parking *in specified areas only*, whereas the Town of Vincent extends that amenity to all eligible residents of all streets with time restricted parking.

Given the number of respondents against the proposal and other measures that are considered in this report to address anti-social behaviour in the area, the implementation of *Resident Only* parking in Carr Place is not supported by the Town's Officers for the following reasons:

- Problems identified in Carr Place relate mainly to anti-social behaviour, and not parking related issues.
- Similar issues associated with another of the Town's licensed premises (the Paddington Hotel) have been successfully managed using a variety of other strategies. Although *residents only* parking was introduced on one side of the street, this measure has failed to deter hotel patrons and others from continually parking in the street.
- The effectiveness of a number of other more appropriate measures (as outlined in the report) which take into account all stakeholders should be implemented and their effectiveness measured.
- The nature of Carr Place comprising a mix of residential and commercial properties.
- The majority of respondents were not in favour of the proposal.
- The Council's previous imposition of the following condition of approval for the residential development at No. 177 Carr Place:
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;
- *Resident Only* street parking has been identified as inappropriate by the local governments of other inner-city areas with mixed-use areas.

Actions undertaken, in accordance with *clause (v) parts (d), (e), (f) and (g)* of the Council's decision from its Special Meeting held on 7 September 2005, are outlined below.

Surveys conducted by Liquor Licence Inspector of Department of Racing, Gaming and Liquor and the Alcohol and Drug Advisor of the WA Police

In accordance with *Clause (v)(d)* of the Council decision, the Town's Manager Health Services requested the Liquor Licence Inspector of the Department of Racing, Gaming and Liquor and the Alcohol and Drug Advisor of the WA Police to conduct a minimum of three (3) late night random surveys of human activities and/or anti-social behaviour in the Oxford Centre on Wednesday nights and one on either Friday, Saturday or Sunday nights.

The Manager Health Services was advised the surveys indicated there were no major problems resulting from the nearby liquor licensed establishments. The survey results did however, confirm that Wednesday nights were particularly busy and the Police Officer involved advised they had attended to some anti-social behaviour complaints over the last three years. The Agency representatives supported the continuation of the Wednesday night patrols recently introduced by the Leederville Hotel Management.

The Agency representatives also requested that residents continue to lodge formal complaints with them as resources are allocated to areas with a demonstrated increase in complaints.

It must be noted that at present the complaint profile in the Oxford Precinct does not exceed that of other metropolitan areas.

One of the Town's Environmental Health Officers also conducted three (3) late Wednesday night inspections and found the following:

- The majority of the patrons departed the Leederville Hotel after midnight.
- Three (3) minor anti-social behaviour incidents involving departing patrons were observed but promptly dealt with by the Hotel's security staff.
- One (1) person with a 'bloody nose' was observed in Carr Place by the Officer.

Mr Craig Hutchinson from the Leederville Hotel advised attendees at the Public Meeting held on 13 October 2005 that the Hotel owners were planning a review of their operations for the establishment of a restaurant from early 2006. It was also confirmed that the Carr Place Security Patrols would continue on Wednesday evenings until further notice.

Conclusions/Recommendations

It is contended that the vast majority of problems occur on a Wednesday night and these have been directly attributed to the Leederville Hotel. It is therefore recommended that the Town should lodge a formal complaint under Section 117 of the Liquor Licensing Act on the grounds of the petition received, outlining reported unruly, noisy and anti-social behaviour being experienced by the residents in Carr Place.

A request to review the Leederville Hotel's liquor license and conditions in accordance with Section 117 sub-sections (1) should also be lodged alleging:

- that the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or
- that any disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of the persons who have resorted to the licensed premises, is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity. (The Director may, by notice in writing, require the licensee to show cause why an order should not be made under this section.)

This may include a:

- review of the trading hours;
- review of the maximum accommodation numbers;
- review of the activities being provided at the premises;
- review of the measures taken by the Licensee outside and in the vicinity of the licensed premises;
- consider the provision of a courtesy bus service to transport late-night patrons from the premises; or

- any other matters deemed appropriate.

It is further recommended that the Town may need to take legal action or counsel that may become necessary as a consequence of the lodgment of the complaint.

Finally, it is recommended that prior to lodging a formal complaint, the Licensee of the Leederville Hotel be requested to voluntarily consent to immediately undertake the following measures to minimise the impact of its patrons on Carr Place residents and these to be included in the reviewed conditions of its Liquor License as follows:

- Implements measures to ensure that patrons depart the hotel via the rear entrance to the Leederville Hotel Car Park;
- Implements measures to promote the use of the Town's Leederville Oval Car Park; and
- Continues the current security patrol of two (2) Crowd Controllers with visible or reflective clothing on Wednesday, Friday, Saturday and Sunday evenings between 11.00pm and 1.00am at the Hotel's expense until at least the end of the current use, when a restaurant use is implemented as advised, and for this to be agreed in writing to the Town and the Director Liquor Licensing prior to Friday 25 November 2005.

Increased WA Police Presence

In accordance with *Clause (v)(f)* of the Council decision, the Town's Manager Ranger Services and Community Safety requested the WA Police to carry out increased presence and patrols, particularly on Wednesday nights.

The Manager Ranger Services and Community Safety requested the Leederville Police to undertake additional patrols of the Leederville area, including Carr Place. The Police advised that while they received a few complaints from residents in Carr Place, there were other areas of the Town where substantially more complaints were received, which suggests Carr Place may not be considered a priority street, for patrols.

The Police advised they did make an arrest for an alcohol related driving offence however, there was no indication of whether the driver had been in the Leederville Hotel or whether the person was parked in the street. In another incident, a resident was awoken by a person kicking the garage door. The person made off on foot along Carr Place. Subsequent enquiries revealed the offender was a resident of Carr Place.

The Town's Rangers also monitored Carr Place between 9 September 2005 and 10 October 2005, visiting the street at least once every evening, between 8.00pm and 11.30pm.

The Rangers found that during their 41 visits, there was always a number of vacant 'on road' parking spaces available in the street. On the Wednesday evenings, an 'average' total of 28 vehicles were parked, leaving about 33 vacant spaces for use by residents. The Rangers also identified that Sunday nights were far busier, with an average of 43 parked vehicles leaving an average of 18 vacant bays.

The Rangers also monitored the number of pedestrians in the street and reported they did not observe any anti-social behaviour at any time, however, it was observed that some pedestrians were speaking a little louder than was necessary, but not at a level which required Police intervention.

During the nightly visits the following was observed:

- Approximately 40% of pedestrians in the street entered parked vehicles
- Approximately 35% walked straight through Carr Place to Loftus Street
- Approximately 25% entered residential premises in Carr Place.

It was also observed that the Frame Court Car Park still had about 10% to 20% capacity however, there was a constant stream of vehicles driving in and out of the Car Park, seeking or leaving the parking facilities, so the availability or shortfall of bays was difficult to quantify.

Public Forum

In accordance with Clause (v)(g) of the Council decision, the Town's Manager Ranger Services and Community Safety arranged a Public Forum on 13 October 2005.

A total of two hundred and ten (210) letters were distributed in the approved consultation area inviting various stakeholders, including Licensees, business proprietors, residents, Police, Liquor Licensing Officers to the public meeting. A total of seventeen (17) persons attended the meeting, eleven (11) of whom were residents of Carr Place. Other attendees included the Mayor, Chief Executive Officer, four (4) Elected Members, and several Officers from the Town.

Outlined below are some comments from the meeting:

- Felt the restriction was very effective while it was in place.
- *Residents Only* parking restrictions would be effective but were not necessary until after 10.00pm, and if after that time, traders would not mind if the restriction was on both sides.
- The situation had been out of control for 15 years. Wants *Residents Only* parking on the north side only, and wants the restriction to apply to both sides.
- A new development has been approved with inadequate parking provision and therefore *Residents Only* parking was necessary to redress the additional parking demand (parking shortfall of 2.46 car bays only).
- Unruly behaviour and damage to a resident's roller door was done by a resident of the flats in Carr Place, and not a hotel patron parked in the street. Leederville Hotel security patrol had observed the incident and also other similar incidents where rubbish bins had been kicked over by residents of the flats.
- Leederville Hotel was preparing plans to convert the hotel into a restaurant/bar facility.
- Has the Town considered security patrols?
- A formal complaint needed to be lodged with Liquor Licensing to impose conditions on the license.
- Police had observed people doing laps around the streets looking for "free" parking.
- Frame Court Car Park being three quarters empty, while Carr Place was full.
- Police indicated that in the context of all Leederville streets, Carr Place did not have a significantly higher incidence of trouble reports.
- Car parks were made ticket parking at night time following a period of vandalism of vehicles which was addressed by installing lighting. A cost was imposed to cover the cost of the upgrade so that the car park was safer at night.
- The car parks were being utilised as free parking by people taking the train or bus into Northbridge and the City.

- It was considered residential only parking would not work. Fairfield Street was sited as an example where *Residents Only* restriction was not effective in preventing parking by hotel patrons.
- The problem in Carr Place was not a parking problem, but a behavioural one which should be dealt with more appropriately.
- Suggested the restrictions could begin at 9.00pm.
- No complaints had been received about the format of the questionnaire (during the community consultation) and if people had difficulty understanding the questions, they need only to have telephoned to have their questions answered.
- Liquor Licensing Survey did not identify any major problems in licensed premises.
- Pleased with the results achieved by security patrols. Some of the anti-social behaviour was coming from residents themselves, and not from occupants of cars parked in the street.
- The Police have three cars available to them. The plain car is not always available, so that the activity can be observed without the natural deterrent of a police presence. There is more surveillance in summer time, using plain clothes Police Officers. Crime level is not high in Carr Place however, but a Police presence always assists to keep a cap on behaviour.
- All residents should report crimes as they occurred.
- The "Accord" is looking at promoting more taxis to help manage the problems.
- Acknowledged the "three prongs" of responsibility - the management of the businesses, the Police and the Council. Why can't the Council have a security watch like Bayswater?
- Patrols of this type have no real authority - they are NOT police, but more akin to rangers. The Town of Vincent is too small to justify a security patrol, however the Town's Ranger Services are adequate.
- The Leederville Hotel's security is a very effective deterrent.
- Would like to see the Leederville Hotel's license conditioned to retain the security patrols.
- Recommend a formal complaint to Liquor Licensing so that new conditions can be applied to the license or the hotel can impose the condition itself.

Conclusions/Recommendations

A co-ordinated approach of stakeholders meetings, late night surveys, greater Police patrols, and seeking assistance from the Office of Gaming, Racing and Liquor will provide a more effective means for a long term solution.

There are a number of measures identified for the management of the noise and disturbance caused by hotel and club patrons in the Oxford Street vicinity. Improved street lighting in Carr Place has been implemented in the past week, while others, such as the Leederville Hotel's increased security patrols, possible redirection of patrons leaving after 10.30pm via the car-park exit and promotion of alternative car parking areas close by may be sufficient to alleviate the problems.

Leederville Police intend to increase their presence on evenings identified as the worst for noise or damage. Possible change in the timing of rubbish collection coupled the prompt retrieval of bins by residents following collection should address the bin vandalism issues which residents have highlighted as a major cause of annoyance.

The Council at its Ordinary Meeting held on 26 August 2003 granted conditional approval for a three storey mixed use development comprising one (1) eating house, two (2) shops, two floors of offices and associated car parking at No(s).228-232 (Lot 88) Carr Place, Leederville.

The Council at its Ordinary Meeting held on 26 April 2005 granted conditional approval for a change of use from shop to eating house and associated alterations at No(s).228-232 (Lot 88) Carr Place, Leederville. This application proposed 23 on-site car bays, however resulted in a total car parking shortfall of 5.92 car bays and, as a consequence, it was a condition that \$14,800 cash-in-lieu was to be paid to the Town.

The Council at its Ordinary Meeting held on 26 July 2005 granted conditional approval for a proposed change of use from shop to eating house and associated alterations - reconsideration of condition. The applicant sought a reconsideration of the cash-in-lieu condition as the public floor area of the eating house had been reduced. The Council resolved that the cash-in-lieu is to remain the same as the Council's previous resolution of \$14,800 for a car parking shortfall of 5.92 car bays.

The applicants lodged a review (appeal) application with the State Administrative Tribunal on the basis that amended plans result in the car parking shortfall being reduced from 5.92 car bays to 2.46 car bays. The Council at its Ordinary Meeting supported this review application based on these amended plans, and the Tribunal approved the review application resulting in the cash-in-lieu being \$6,150 for a car parking shortfall of 2.46 car bays. Therefore, this mixed use development comprising of an eating house and offices has 23 on-site car bays and a total car parking shortfall of 2.46 car bays for which \$6,150 cash-in-lieu is to be paid to the Town.

With regard to the two new unit developments along Carr Place, it is difficult to know which two are being referred to without any addresses, however Council at its Ordinary Meeting held on 7 October 2003 granted conditional approval for six (6) single bedroom multiple dwellings at No. 181 (Lot 8) Carr Place. This proposal required 9 bays and proposed 7 car bays on-site. This was considered acceptable under the performance criteria of the Access and Car Parking requirements of the Residential Design Codes.

The above car parking calculations and cash-in-lieu of car parking is in accordance with the Town's Parking and Access Policy. The main purpose of the cash-in-lieu of car parking is to provide and/or upgrade parking bays in a nearby existing or proposed public parking facility, including on-street parking where appropriate.

In summary, the Council should consider a more co-ordinated approach to finding a long term solution to the current problem.

Other Improvement Initiatives

Rubbish Collection

Currently, bins are collected on Wednesdays however, it may be possible to change that to Mondays, thereby removing the bin vandalism factor on Wednesday nights when residents have left their bins out. Bins being knocked over by pedestrians has been raised as an issue.

Street Lighting

Western Power recently installed four (4) additional 250 watt High Pressure Sodium (HPS) street lights in Carr Place. There is now a 250 watt HPS streetlight on every pole between Newcastle Street and Bold Court. The standard of lighting is equivalent to a District Distributor Road such as Vincent Street and far exceeds the Australian Standards for an Access Road.

Parking in the Oxford Precinct and the Leederville Area

An in-house working group is currently examining ways to provide additional parking, promote and make the existing parking more legible.

The strategic future for the Leederville commercial centre is being progressed through the Leederville Masterplan and pivotal to this is the development of additional parking facilities in the area. This received further impetus following the receipt of a petition from Leederville Business proprietors and residents regarding the overall lack of parking in the area.

As the overall demand for parking in the Leederville area remains extremely high, to preclude visitors from using Carr Place would have an adverse impact on the overall area.

In addition, Officers are currently looking at reconfiguring the Frame Court Car Park (removing the taxi rank access) to create additional parking bays.

Parking at Leederville Oval after 9.00pm

Leederville Oval Car Park is available every night for use by patrons of the Leederville area. However, since both Subiaco Football Club and East Perth Football Club use Leederville Oval as their home ground, with training occurring every evening and at least one football game every weekend, it is often difficult to find an available parking bay until after 8.30pm.

Except when a football game has been played during the day and patrons remain at the ground after it has finished, there should be little difficulty in finding parking spaces in Leederville Oval Car Park after 9.00pm.

Proposed Infrastructure Improvements - Carr Place

Funds have been allocated in the 2005/2006 financial year to carry out infrastructure improvements in Carr Place including:

- Resurfacing of the road with Stone Mastic Asphalt (SMA). This treatment reduces vehicle noise and is longer lasting than conventional asphalt.
- Providing red asphalt parking bays.
- Providing an entry statement into the residential component of the street.
- Additional verge trees.

Taxi Zones

The Vincent Accord has been established to provide a forum for owners and operators of Licensed Premises to discuss problems and strategies for the industry. The Department for Planning and Infrastructure and the Taxi Industry Board, gave a brief presentation to the last Vincent Accord meeting, and then fielded questions from the Accord members. In general terms, it was suggested that there were adequate numbers of taxis available, in the metropolitan area, but that, between 11.30pm and 2.30am on the following morning, taxis experienced a peak demand, so patrons may need to accept that it could take longer to secure a taxi.

Currently the taxi rank, outside the Leederville Hotel, can accommodate only 5 taxis. In conjunction with the Police, Taxi Industry Board, the Town's Officers are currently assessing whether it may be appropriate to re-locate the existing taxi rank to a close-by location, which can accommodate more than five (5) taxis. However, there are a number of factors that will need to be considered, before any changes are recommended to the Council.

Ticket Issuing Machines

In the responses to the survey, it was suggested that, if ticket issuing machines were introduced into Carr Place, drivers who currently use the street, because of the free parking status, would be encouraged to park elsewhere. As part of the Town's parking strategies, areas of high parking use and areas where there is a high parking demand are identified and are assessed for the practicalities of introducing paid parking. This strategy has a two-fold advantage, in that it prevents long-term users from simply moving their vehicle each time a Ranger marks it and it ensures that, because drivers seeking free parking will park elsewhere, vehicle spaces are available for residents, visitors, customers and clients of local businesses.

It is suggested that the introduction of paid time-restricted parking in Oxford Street, between Vincent Street and Leederville Parade, Leederville, would have the effect of creating available parking bays, because the staff who currently park there would move into the car parks, where concessional parking permits are available. It has also been suggested that it would be appropriate for the paid parking in Newcastle Street, Leederville, should be extended to the intersection with Oxford Street. This prospect is currently being evaluated and, if considered suitable for paid parking, the matter will be submitted to the Council for consideration. However, if paid parking is introduced in these areas, it may be appropriate to also consider the installation of ticket issuing machines in Carr Place, Leederville.

One of the benefits to Carr Place residents would be that paid parking would deter drivers, who want free parking, from parking there.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Liquor Licensing Act 1988 Division 7 – Complaints about noise, etc. Section 117 Complaints about noise or behaviour related to licensed premises.

STRATEGIC IMPLICATIONS:

The proposal is in keeping with KRA 2.2(g) of the Town's Strategic Plan, 2005 - 2010 - *"Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promote safety and security"*.

FINANCIAL/BUDGET IMPLICATIONS:

The cost will be determined following the Council's consideration of a further report.

Just under \$40,000 has been allocated in the 2005/2006 Budget to carry out improvements in Carr Place.

Funds totalling \$4,300 have already being expended recently upgrading the lighting in Carr Place.

Improvements to signage, as outlined in the report, estimated to cost \$1,500, will be funded from the 2005/2006 signage budget.

COMMENTS:

The Police have acknowledged that there were a few reported incidents in Carr Place, but that none were particularly serious.

At the Public Forum, held at the Town of Vincent Administration and Civic Centre on 13 October 2005, residents from the street indicated that their main area of concern was that of anti-social behaviour, and cited parking as also being a problem.

The attendees at the Public Forum were advised that, while it was acknowledged that anti-social behaviour issues presented a problem, it was suggested that it was not appropriate to use strategies designed to deal with parking as a means to prevent anti-social behaviour.

The residents were extremely vocal about the fact that, if casual parking in Carr Place was prevented, this would result in fewer people in the street, which would translate to less noise and less anti-social behaviour, however, the anti-social behaviour has also been caused by some residents of the street and pedestrians using Carr Place as a thoroughfare.

One of the suggestions made by residents was that residential parking restrictions should be introduced from around 10.00pm each night, to 6.00am each morning, but since the Town's Rangers operate until 8.00pm on Mondays and Tuesdays, 9.30pm on Wednesdays and midnight on the other days of the week, at best Rangers would only be able to enforce the restrictions once on any one evening.

The Town's Rangers undertake an overtime patrol on every Wednesday night and, depending on how busy the various areas of the Town prove to be, they may also undertake overtime patrols on Mondays and Tuesdays. However, these patrols have been introduced in response to identified problems and, while the Rangers will patrol the whole Town, they tend to focus their attention on the areas of main concern.

It is considered that Carr Place is not unlike many streets within the Town where there is a mixed use of residential/commercial and licensed establishments in close proximity.

The management of the Leederville Hotel has indicated it intends to change from being a Hotel/Bar to a Hotel/Restaurant. This change is expected to be ready for implementation in February or March 2006 and will result in the premises attracting a different patron-demographic and consequentially, a decline in the number of patrons attending the venue.

While some residents complain about parking, noise, vandalism, anti-social behaviour, etc, in the street, the Town and the WA Police do not receive a greater number of calls from Carr Place, than they do from streets in other similar areas where there are licensed premises in close proximity.

As some of the respondents indicated, it is unrealistic for residents to expect to have a suburban amenity in a vibrant inner city location in close proximity to entertainment venues. Restricting the use of the public realm for the exclusive use of residents is not considered to be in the best interest of all the stake holders of the Oxford Centre. In addition, as previously reported, the majority of residents in Carr Place already have off-road parking available.

10.1.4 Nos. 85 - 87 (Lot 6 D/P: 18) Lindsay Street, Perth - Proposed Change of Use from Residential and Office to Single House, Office and Consulting Room (Naturopath) and Associated Signage

Ward:	North	Date:	1 November 2005
Precinct:	Beaufort; P13	File Ref:	PRO1850; 5.2005.3108.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K Tacon & P Costello on behalf of the owner P A Jamieson for proposed Change of Use from Residential and Office to Single House, Office and Consulting Room and Associated Signage, at Nos. 85-87 (Lot 6 D/P: 18) Lindsay Street, Perth and as shown on plans stamped 15 August 2005 , subject to:

- (i) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) the area used as a consulting room shall be limited to one (1) room with (1) naturopathic consultant operating at any one time;*
- (iii) the gross floor area of the office shall not exceed 50 square metres;*
- (iv) the hours of operation of the consulting room (naturopath) shall be limited to Monday to Friday from 9 am to 5 pm and Saturdays from 8.30 am to 12.30 pm, inclusive;*
- (v) the hours of operation of the office shall be limited to Monday to Friday from 9 am to 6 pm and Saturdays from 9 am to 12 pm, inclusive;*
- (vi) this approval for a consulting room is for naturopath services only, and any change of use from consulting rooms (naturopath) shall require Planning Approval to be applied to and obtained from the Town prior to commencement of such use; and*
- (vii) all activities at the premises shall be in compliance with the Town's requirements relating to consulting rooms, and no activity of a non-medical nature, such as prostitution, brothel business, agency business associated with prostitution, escort agency business, massage business and the like, shall occur at the premises.*

COUNCIL DECISION ITEM 10.1.4

Cr Ker returned to the Chamber at 8.05pm. The Presiding Member advised him that Item 10.1.13 had been carried with a number of amendments.

Moved Cr Messina, **Seconded** Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

Landowner:	P A Jamieson
Applicant:	K Tacon & P Costello
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Single House and Office
Use Class:	Single House, Office Building and Consulting Rooms.
Use Classification:	"SA"
Lot Area:	511 square metres
Access to Right of Way	N/A

BACKGROUND:

The Town under Delegated Authority from the Council granted conditional Planning Approval on 23 October 2001, for a change of use from Residential to Residential and Office Building.

DETAILS:

The proposal involves the change of use of part of the previously approved Office area to Consulting Rooms (Naturopath). This results in an existing residential component to the rear with an area greater than 66 per cent of the existing floor space (as required in Town's Policy 3.1.13 - Beaufort Precinct), existing office with 50 square metres gross floor area and the proposed consulting room.

The consulting room utilises 3 existing rooms, one (1) being for patient consultation, one (1) as a waiting room and one (1) as a store and work room. The applicants have advised that the single consulting room is to be used for naturopathic health with only one consultant operating at any one time. The hours of operation will be between 9.00am and 5.00pm, Monday to Friday, and from 8.30am to 12.30pm on Saturdays.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.75	0.58	Noted
Panel Sign	Not to be erected in the area between building and front boundary without approval from the Town, and no signage is permitted on fences, walls of the like structures which do not form an integral part of the building.	Located on the front fence on the boundary.	Supported - considering the residential nature of the building and its enclosure from the street by a front fence, the facade of the building is not clearly visible from the street. Therefore the proposed sign of 1.5 metres wide by 0.5 metre high, fitted to the front fence, is considered to have no undue impact on the amenity of the area.

Consultation Submissions		
Support	Nil	Noted
Objection	Nil	Noted
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Car parking requirement (nearest whole number)		
<ul style="list-style-type: none"> • Existing single house - 2 bays • Existing office (50 square metres): 1 bay per 50 square metres gross floor area - 1 bay • Proposed consulting room (1 consulting room): 3 bays per consulting room - 3 bays 		2 car bays (single house) 4 car bays (office and consulting room)
Apply the adjustment factors (non-residential bays only).		(0.578)
<ul style="list-style-type: none"> • 0.85 (the proposed development is within 400 metres of a bus stop). • 0.80 (the proposed development contains a mix of uses, where at least 45 per cent of the gross floor area is residential). • 0.85 (the proposed development is within 400 metres of a public car park in excess of 75 parking spaces). 		2.31 car bays (office and consulting room) 2.0 car bays (single house - adjustment factors not applicable)
Minus the car parking provided on-site		5 car bays
Minus the most recently approved on site car parking shortfall		N/A
Resultant Surplus		0.69 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:

Advertising Consultation

The application was advertised for 21 days, as required for an "SA" use in the Town's Community Consultation Policy, no submissions were received during this period.

Car Parking Requirement

The proposed change of use, which after applying the adjustment factors, has a resultant surplus of 0.69 car bay. No change in car parking layout is proposed as part of this application, furthermore, it is noted that following an assessment of the existing car parking by the Town's Technical Services, car parking bays 3 and 4 do not comply with the Town's requirements. However, as this parking exists and is presently in use, it is not considered as part of this development application.

Summary

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

10.1.10 No. 24 (Lot 63 D/P: 36359) Mary Street, Highgate - Proposed Partial Demolition of and Additional Two-Storey Single House to Existing Single House

Ward:	South	Date:	1 November 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3047; 5.2004.2635.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by K Donaldson on behalf of the owner A Mirmikidis for proposed Partial Demolition of and Additional Two-Storey Single House to Existing Single House, at No. 24 (Lot 63 D/P: 36359) Mary Street, Highgate, and as shown on plans stamp-dated 12 July 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the density, minimum site area, outdoor living area, open space and privacy requirements of the Residential Design Codes; and*
- (iii) the open space and outdoor living area requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina departed the Chamber at 8.07pm.

Debate ensued.

Cr Messina returned to the Chamber at 8.09pm.

Moved Cr Lake, Seconded Cr Maier

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

LOST (2-5)

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

MOTION CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

Landowner:	A Mirmikidis
Applicant:	K Donaldson
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:	392 square metres
Access to Right of Way	N/A

BACKGROUND:

8 February 2005 The Council at its Ordinary Meeting resolved to recommend refusal for the strata subdivision of No. 24 (Lot 63) Mary Street, Highgate.

26 May 2005 The Western Australian Planning Commission refused the survey strata subdivision of the subject property for the following reasons:

- "(i) the proposed battleaxe access leg being below the required minimum width of 4 metres,*
- (ii) the proposed battleaxe lot being below the minimum battleaxe lot size requirement of the R80 Residential Planning Code applying to the land;*
- (iii) non-compliance with the requirement for two on-site car parking bays per lot being accommodated on each lot as stipulated by the Residential Design Codes;*
- (iv) the provision of open space being below the minimum total percentage of the site as required by the Residential Design Codes; and*
- (v) the provision of outdoor living area being below the minimum requirement for outdoor living area as stipulated by the Residential Design Codes."*

DETAILS:

The proposal involves an additional two-storey single house and partial demolition of existing single house.

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	2 dwellings R80	2 dwellings R 80	Noted
Minimum Site Area	400 square metres (Minimum Lot Area - Rear Battleaxe)	122.28 square metres	Not supported - non compliant with the minimum lot area / rear battleaxe lot area requirements of the Residential Design Codes (R Codes).
Plot Ratio	0.65	0.54	Noted
Setbacks Ground Floor: East	1.5 metres	1.152 metres	Supported - variation is considered minor and to not unduly impact on affected neighbor.
West	1.5 metres	Nil	Supported - boundary wall is compliant with the building on boundary requirements of the R Codes.
Upper Floor: North	3.3 metres	1.5 metre - 2.32 metres	Supported - variation is considered to not unduly impact on affected neighbour.
East	3 metres	1.152 metres	Supported - variation is considered to not unduly impact on affected neighbour.
West	1.2 metres	0.689 metre	Supported - as above.
Open Space	45 per cent	43 per cent	Not supported - non compliant with the open space requirements of the R Codes, is considered to be over development of the site and proposes variations outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.

<p>Outdoor Living Area</p>	<p>Behind the front setback, directly accessible from a habitable room, with a minimum dimension of 4 metres and to have a least 2/3 of the required area without permanent roof cover.</p>	<p>Minimum dimension of 3.281 and 50 per cent without a permanent roof cover.</p>	<p>Not supported - area provided not compliant with what is considered to be minimum requirements for a functional outdoor living space and proposes variations outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</p>
<p>Vehicular Access Driveways</p>	<p>Driveways serving four dwellings or less not narrower than 3 metres at the street frontage.</p>	<p>2.986 metres wide driveway.</p>	<p>Supported - driveway is existing.</p>
	<p>No closer than 0.5 metre to a side boundary. Driveways designed for vehicles to enter the street in forward gear where the distance from a car space to street alignment is 15 metres or more</p>	<p>Nil from side boundary. Distance from car space to street alignment is 23 metres</p>	<p>Supported - as above. Supported - as above.</p>
<p>Privacy Upper Floor: Bedroom 1 Bedroom 2- North Window</p>	<p>4.5 metres 4.5 metres 4.5 metres 4.5 metres</p>	<p>1 metre to western boundary 1.5 metres to northern boundary 2.2 metres to eastern boundary 2.3 metres to northern boundary</p>	<p>Not supported - variation is non compliant with the privacy requirements of the R Codes and overlooking is considered to have an undue impact on affected neighbour. Supported - overlooking is to playing fields. Not supported - as above. Supported - overlooking is to playing fields</p>

East Window	4.5 metres	1.152 metres to east boundary	Not supported - as above.
Existing House			
Car Parking	Two car bays provided on site.	No car bays provided on site.	Not supported - inadequate car parking for existing house.
Open Space	45 per cent	35 per cent	Not supported - non compliant with the open space requirements of the R Codes and is considered to be over development of the site.
Outdoor Living Area	Behind the front setback, directly accessible from a habitable room, with a minimum dimension of 4 metres and to have at least 2/3 of the required area without permanent roof cover.	Outdoor living area is within the front setback and has 50 per cent without a permanent roof cover.	Not supported - area provided not compliant with what is considered to be minimum requirements for a functional outdoor living space.

Consultation Submissions

A Heritage Impact Statement was prepared by the Town's Heritage Officer as a result of comments from the Heritage Council of Western Australia. This Heritage Impact Statement forms part of the attachments for Council's consideration. In summary the Heritage Impact Statement supports the subject proposal in regards to heritage considerations.

Support	Nil	Noted
Objection	Nil	Noted

Other Implications

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

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

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

COMMENTS:

The proposed development is not supported on the basis that it is not considered to provide adequate amenities for prospective residents and it proposes variations outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.

10.1.8 No.411 (Lot 632 D/P: 29903) Charles Street, North Perth - Proposed Demolition of Existing Single House and Construction of Five (5) Two-Storey Grouped Dwellings

Ward:	North	Date:	1 November 2005
Precinct:	North Perth; P8	File Ref:	PRO3157 5.2005.2913.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	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 Anthony Rechichi Architects on behalf of the owner SV Australia for proposed Demolition of Existing Single House and Construction of Five (5) Two-Storey Grouped Dwellings, at No. 411 (Lot 632 D/P: 29903) Charles Street, North Perth, and as shown on plans stamp-dated 27 October 2005, subject to:*
- (a) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Charles Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (b) *prior to the first occupation of the development, the front visitor car parking bay shall be clearly marked and signposted for the exclusive use of visitors;*
 - (c) *subject to first obtaining the consent of the owners of No.413 (Lot 34) Charles Street and No. 42 (Lot 631) Sydney Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing of No.413 (Lot 34) Charles Street and No. 42 (Lot 631) Sydney Street in a good and clean condition;*
 - (d) *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;*
 - (e) *any new street/front wall, fence and gate between the Charles Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (6) *the solid portion adjacent to the Charles Street boundary can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (f) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (g) *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;*
- (h) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (1) *the provision of an outdoor living area with a minimum dimension of 4 metres for Unit No.5;*
 - (2) *the proposed security gate along the driveway being a minimum 50 percent visually permeable when viewed from Charles Street;*
 - (3) *the plot ratio for Units 2 and 3 being reduced to a maximum of 0.65; and*
 - (4) *the front setback of Unit 1 being a minimum of 6 metres from the upper floor main building and 5 metres from the terrace balcony to the existing front lot boundary.*

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

- (ii) *the Council ADVISES the applicant/ owner of the subject land (Lot 632) that the property of is affected by a land requirement (3.9 metres deep) for the future upgrading of Charles Street, which is the subject of Planning Control Area (PCA No.54) pursuant to part iv a of the Metropolitan Region Town Planning Scheme (Act 1959). It is further advised that it is further proposed that at some stage in the future the Western Australian Planning Commission (WAPC) will acquire this land for the purposes of upgrading Charles Street. The applicant/ owner is further advised to contact the WAPC's Land Asset Management Branch of the Department for Planning and Infrastructure should they wish to discuss early purchase of the affected land by the WAPC.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

CARRIED (6-1)

For
Deputy Mayor, Cr Farrell
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Maier

Against
Cr Messina

(Mayor Catania was an apology. Cr Torre on leave of absence.)

Landowner:	SV Australia
Applicant:	Anthony Rechichi Architect
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R 60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1019 square metres
Access to Right of Way	Not applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing house and the construction of five (5) two-storey grouped dwelling with access onto Charles Street.

The applicant has submitted a comprehensive submission in support of the proposal, which is summarised as follows:

- Non-removable permanent obscure glazing is proposed for all upper level windows to comply with the privacy setback requirements.
- Provision of one visitor car parking bay in accordance with the R Codes.
- Front ground floor setback of 4 metres has been provided. The upper floor 6 metres to the main part of the Unit 1 and balcony setback of 5 metres is achieved on average, thus achieving an active frontage and promoting passive surveillance.
- The development is not considered excessive as it complies with the R60 density applying to the site, which allows for 5 grouped dwellings.
- A skillion and not a flat roof is proposed, which is compliant with the 7 metres height requirement.
- The overall plot ratio is compliant. The additional plot ratio for Units 2 and 3 is to provide suitable amenity for the ground floor living areas.
- Unit 4 minimum site area of 152 square metres (in lieu of 160 square metres) complies with the 5 per cent discretion allowed in clause 3.1.3 of the R Codes, under the performance criteria.

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	Five (5) grouped dwellings R 60	Five (5) grouped dwellings R60	Noted
Plot Ratio: Overall for whole site Unit 2 Unit 3	0.65 0.65 0.65	0.65 0.68 0.68	Noted Not supported-as there is opportunity to comply with the 0.65 requirement, which has been conditioned.
Minimum Site Area for Proposed Strata Lot for Unit 4.	160 square metres	152 square metres	Supported-as the proposal complies with the performance criteria in the R Codes, as it overcomes the unusual limitation placed on the lot due to its size, shape, and proposed road widening.
Privacy: Bedroom 3- Unit 1-south setback Terrace-Unit 1-north setback	4.5 metres 7.5 metres	4.11 metres 4 metres	Supported-the openings have been screened as required under the R Codes.

Outdoor Living Area: Unit 5	4 metres dimension	3.4 metres dimension	Not supported-as there is opportunity to comply with the 4 metre dimension, as the lot will be a vacant site, once the existing dwelling is demolished. This requirement has been conditioned.
Setbacks: Side-east elevation Ground floor	4 metres	Pre -road widening 4 metres. Post-road widening-0.1 metre.	Supported-as the setback variation will not result in an undue impact on the Charles Street streetscape for this particular site as there is road widening for other lots along this stretch of Charles Street, resulting in alteration to the streetscape.
Setbacks: Side-east elevation First floor	6 metres	Pre -road widening - 4.5 metres to main dwelling and 4 metres to terrace/balcony. Post-road widening – 0.6 metre and 0.1 metre, respectively.	Not supported –as the upper floor of the front dwelling can be designed to be setback 6 metres, and the balcony can be setback 5 metres from the current Charles Street lot boundary, prior to the road widening requirements.
Setbacks: Side-south elevation First floor	4.3 metres	4.11 metres	Supported-as the setback variation will not result in an undue impact on adjoining property. Moreover the privacy considerations have been addressed.
Setbacks: Rear-west elevation First floor	4.1 metres	2.7 metres to 5.5 metres	Supported-as the privacy considerations have been addressed. The setback variation will not result in an undue impact on adjoining property.
Setbacks: Side-north elevation Ground floor	1 metre	Nil to 1.5 metre	Supported-as the adjoining property also has a building with a “nil” setback along part of the common north boundary.
Setbacks: Side-north elevation First floor	3.8 metres 3.7 metres 3.5 metres	1.5 metres 3.68 metres 2.537 metres	Supported-as the setback variation will not result in an undue impact on adjoining property.

Consultation Submissions		
Support (1)	<ul style="list-style-type: none"> The Department for Planning and Infrastructure (DPI) have advised support of the proposal, and further advised that the road widening width affecting the subject site is 3.9 metres, from the current lot boundary. 	Noted.
Objection (4)	<ul style="list-style-type: none"> Loss of privacy due to upper level windows overlooking into yard area. Existing fence which is being retained is between 1 to 1.2 metres in height and is not high enough. There are no trees being planted along the fence line. 	Supported- revised plans submitted on 27 October 2005 indicate screening to relevant major opening within the cone of vision.
	<ul style="list-style-type: none"> Inadequate visitor car parking, this may result in verge car parking. 	Not supported-as car parking has been provided in accordance with the R Codes.
	<ul style="list-style-type: none"> The setbacks will impinge on the privacy of adjoining landowners. The front setback should conform to the setback of adjoining houses. As such the amenity of the area would be detrimentally affected. Development is considered excessive, over plot ratio and an overdevelopment for the site in terms of bulk and scale and effect on the streetscape. This will result in a negative impact for adjoining landowners in terms of amenity, potential loss of daylight and sunlight, loss of privacy and result in an unsympathetic development in regards to the scale and character of existing development. The effect of the building bulk is further exacerbated through the non-compliance in relation to the side setback and other variations sought. 	<p>Not supported-as the privacy requirements under the R Codes have been complied with. The front setback for the ground floor could come down to 4 metres in accordance with the R Codes.</p> <p>Partly supported- a condition had been recommended to reduce the plot ratio to 0.65 for Units 2 and 3 and also for the front setback to the upper floor to be increased to 6 metres for the main dwelling and 5 metres for the balcony. The proposal complies with the overshadowing requirements.</p> <p>Supported- and a condition requiring the plot ratio to be decreased to 0.65 has been recommended.</p> <p>Furthermore the revised plans indicate that the overall height of the building has been reduced to comply with the maximum 7 metres height requirement.</p>

	<ul style="list-style-type: none"> Flat roof and the scale of the buildings are out of character with the 1920's houses at No.409 and 413 Charles Street, which are single storey. 	Not supported-as the proposal is considered contemporary and responds to the character of the area.
	<ul style="list-style-type: none"> Heights of walls are too high. 	Supported- the revised plans submitted indicate compliance with the height requirements.
	<ul style="list-style-type: none"> All requirements of the Residential Design Codes are to be complied with and enforced by the Town. All privacy screening is to be non-removable and permanent. All bathroom windows to be obscure glass. Cone of vision is to be shown on the plans and any overlooking is to be remediated. 	<p>Not supported-as the R Codes do allow for variations, subject to satisfying the relevant performance criteria. The variations in this instance are acceptable and are considered unlikely to result in an undue impact of the adjoining lots.</p> <p>Supported- revised plans submitted on 27 October 2005 indicate permanent obscure screening to relevant major openings within the cone of vision.</p>
Comment	<ul style="list-style-type: none"> Adjoining landowners willing to work with architects to find a mutually suitable solution. 	Noted-as this is matter to be agreed upon both involved parties.
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.

Heritage

A detailed heritage assessment is included as an attached to this report.

The subject place was constructed circa 1935 during the Inter-War period of development in Perth. The single storey brick and tile dwelling features a front facing and a side facing gable and a hipped roof clad with tiles. Alterations have been made to the front and rear of the dwelling, with the notable enclosure of the front verandah to accommodate a sleep out. While some of the original features remain in situ, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entrance into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific or social value.

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

REDEVELOPMENT

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

10.1.2 Further Report - No. 24 (Lot 30 D/P: 3192) Camelia Street, (corner Claverton Street), North Perth - Proposed Additional Two-Storey Single House to Existing Single House

Ward:	South	Date:	1 November 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO3123; 5.2005.2751.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners P G Rogers and N L Gradisen for proposed Additional Two-Storey Single House to Existing Single House, at No. 24 (Lot 30 D/P: 3192) Camelia Street, corner Claverton Street, North Perth, and as shown on plans stamp-dated 5 October 2005 and 18 October 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to living room on the southern and eastern elevations, first floor, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Camelia Street boundary and the existing main building, and between the Claverton Street boundary and the proposed main building, including along the side boundaries within these front setback areas, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level, and*
- (f) *the solid portion of the wall, fence and gate on the common boundary between the existing dwelling and the proposed dwelling may increase to a maximum height of 1.8 metres within this front setback area.*

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

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Claverton Street and Camelia 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).*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *first floor living room setback being increased to a minimum of 0.49 metre to the eastern boundary to accommodate widening of the right-of-way should it be required in the future;*
 - (b) *first floor southern setback being a minimum of 1.7 metres in accordance with the Residential Design Codes; and*
 - (c) *the western boundary wall to the first floor balcony off the bedroom being removed and replaced with a permanent obscure glazed screen and be non-openable to 1.6 metres above the finished first floor level. The western side to the balcony, above 1.6 metres up to ceiling height, is to be open at all times.*

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

COUNCIL DECISION ITEM 10.1.2

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

At 9.25pm **Moved Cr Chester, Seconded Cr Maier**

That the Item be RE-COMMITTED for further discussion.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

SUBSEQUENT MOTION

Moved Cr Chester, Seconded Cr Lake

That the Town WRITES to the Western Australian Planning Commission and request reasons as to why the Commission is not supporting the Town's application of its Policy No 3.5.14 – Subdivisions Requiring Plate Height Development, specifically in relation to No 24 (Lot No 30 D/P: 3192) Camelia Street, North Perth.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 25 October 2005 resolved that *"the Item be DEFERRED to seek clarification of the open space provision and to further consider the impact of the upper floor southern setback on the neighbouring property"*.

The following information is provided to clarify the open space provision for the proposed development:

The proposed development is required to provide a minimum 45 per cent open space, as identified in Table 1 of the Residential Design Codes. The open space provided for both the existing and proposed dwellings are as follows:

- Existing dwelling site - 54 per cent (site area 374 square metres)
- Proposed dwelling site - 49 per cent (site area 190 square metres)

The area included in the open space calculation for the proposed dwelling site includes the ground floor area not occupied by building and the first floor balcony off the bedroom, as based on the definition of *"open space"* identified in Part 2.2 of the Residential Design Codes, which reads as follows:

"Generally that area of a lot which is not occupied by any building and includes:

- *open areas of accessible and useable flat roofs and outdoor living areas above natural ground level;*
- *areas beneath eaves overhangs, verandahs or patios not more than 0.5 metre above natural ground level, unenclosed on at least two sides and covering no more than 10 percent of the site area or 50 square metres whichever is the lesser."*

Considering the above, it is the general practice of the Town's Officers to include a balcony as open space as long as it is a usable outdoor living area and open on two sides. The first floor balcony to the proposed development was of an irregular shape and was considered to be open on more than two sides, however with concern being raised into the interpretation of this provision, it is recommended that the western boundary wall to the balcony be replaced entirely on its west side with obscure glazing to 1.6 metres above the finished first floor level, as identified in the Officer Recommendation.

The area below the balcony is not interpreted as being an area beneath eaves overhang, verandah or patio as detailed in the definition of *"open space"* in the R Codes, however it has been assessed as a general area of a lot that is not occupied by any building. This area has also been included in the open space calculations for the site.

With regards to the impact of the upper floor southern setback on the neighbouring property, in accordance with Figure 2c: Measurements of Boundary Setbacks - of the Residential Design Codes, the median height of a wall is considered in determining the required setback. The median height of the first floor southern wall is 6.5 metres; therefore a first floor setback of 1.7 metres (not 1.8 metres) is required to the southern boundary, as identified in the further assessment table.

The 0.22 metre variation requested to the southern first floor setback is considered to have no undue impact on the adjoining property, however, the applicant has discussed the required setback with their architect who believes that the southern first floor setback will not severely effect the integrity of the design and is willing to increase this setback to 1.7 metres.

Further Assessment Table:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Setbacks: Southern elevation - first floor	1.7 metres	1.48 metres	Supported - minor variation with no undue impact on adjoining property, however, applicant is willing to provide 1.7 metres setback in accordance to the R Codes.
Outdoor living area:	An area of 20 square metres is to be provided behind the front setback area.	Outdoor living area located within the setback area.	Supported - Considering the nature of the site in terms of size and orientation, the provision of the outdoor living area within the front setback is supportable. However, the provision of solid walls up to 1.8 metres high around the front courtyard is not supported, as conditioned in the Officer Recommendation.

The previous Officer Recommendation of conditional approval remains unchanged, however the conditions have been modified to reflect the following:

- (iii) modified to clarify the Town's requirement for fencing on the corner site.
- (iv) added to include:
 - (a) an increased setback to the first floor living as required by the Western Australian Planning Commission as part of the conditional subdivision approval;
 - (b) first floor southern setback in accordance with the R Codes; and
 - (c) obscured glazing rather than solid wall to the balcony on its western side so as the area can be included in the open space calculation.

The following is a verbatim copy of the Minutes of the item placed before the Council at its Ordinary Meeting held on 25 October 2005.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners P G Rogers and N L Gradisen for proposed Additional Two-Storey Single House to Existing Single House, at No. 24 (Lot 30 D/P: 3192) Camelia Street, corner Claverton Street, North Perth, and as shown on plans stamp-dated 5 October 2005 and 18 October 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to living room on the southern and eastern elevations, first floor, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Camelia Street and Claverton Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Claverton Street and Camelia Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued

Cr Torre departed the Chamber at 7.35pm.

Cr Torre returned to the Chamber at 7.40pm.

Moved Cr Torre, Seconded Cr Chester

That the Item be DEFERRED to seek clarification of the open space provision and to further consider the impact of the upper floor southern setback on the neighbouring property.

CARRIED (6-2)

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

(Cr Farrell on leave of absence.)

<i>Landowner:</i>	<i>P G Rogers & N L Gradisen</i>
<i>Applicant:</i>	<i>PG Rogers</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40</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>564 square metres</i>
<i>Access to Right of Way</i>	<i>East side, 5 metres wide, sealed, privately owned</i>

BACKGROUND:

The Western Australian Planning Commission granted conditional approval on 3 December 2005 for the subdivision of the subject lot.

DETAILS:

The proposal involves the development of a two storey house at the rear of an existing house. Access to the proposed development is to be obtained from Claverton Street with vehicle access to be obtained from a 5 metre right of way to the rear.

Plans dated 20 June 2005 were advertised by the Town in July 2005, however the owners requested that these plans be withdrawn as they were not happy with the proposed design

submitted by the applicant/architect. Subsequently, revised plans were submitted by the architect which propose no greater variations to the plans advertised in July 2005.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>2 dwellings R 40</i>	<i>2 dwellings R 40</i>	<i>Noted – no variation</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Setbacks: Northern elevation (front) - first floor</i>	<i>6 metres</i>	<i>3.017 metres</i>	<i>Supported - approval from adjoining neighbour fronting Claverton Street was submitted and the proposed setback is in keeping with the existing streetscape with the first floor setback to the adjoining property (No. 23 Leake Street, corner Claverton Street) being 3 metres.</i>
<i>- balcony</i>	<i>6 metres</i>	<i>3.013 metres</i>	<i>Supported - as above.</i>
<i>Southern elevation - ground floor</i>	<i>1 metre</i>	<i>Nil - 2.62 metres</i>	<i>Supported - proposed building on boundary abuts an existing boundary wall on adjoining property and considered to have no undue impact on adjoining property.</i>
<i>- first floor</i>	<i>1.8 metres</i>	<i>1.48 metres</i>	<i>Supported - minor variation with no undue impact on adjoining property.</i>
<i>Western elevation - ground floor</i>	<i>1 metre</i>	<i>Nil</i>	<i>Supported - common boundary to existing house. Owner is applicant of the proposed development and considered to have no undue impact.</i>

- first floor	1.2 metres	Nil	Supported - as above.
Privacy Setbacks: Eastern elevation -first floor living	6 metres cone of vision setback required to adjoining property.	5.4 metres cone of vision setback provided to eastern neighbour on other side of right-of- way.	Not supported – conditioned in Officer Recommendation.
Southern elevation - first floor living	6 metre cone of vision setback required to adjoining property.	1.48 metres cone of vision setback provided to southern boundary.	Not supported – conditioned in Officer Recommendation.
Front Fence: - Claverton Street	Fence shall not exceed 1.8 metres above the ground level with decorative capping on top of posts and piers up to a maximum height of 2.0 metres. The solid portion 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.	Solid walls up to 1.9 metres high.	Not supported - conditioned in Officer Recommendation.
Building on Boundary	Building permitted up to one (1) boundary	Building on two (2) boundaries.	Supported - no undue impact on adjoining properties and to enable suitable development on the 190 square metre site.
<i>Consultation Submissions received in July 2005. Additional consultation was not undertaken as approval from the adjoining neighbour was submitted and no greater variations are proposed.</i>			
Support (1)	No objection to adjacent development proposed on Claverton Street.		Noted.
Objection - Two (2) received during advertising. One (1)	<ul style="list-style-type: none"> The proposed development does not complement the design and character of the area. 		Not supported - within the surrounding area and adjoining properties a variety of character and styles of houses are evident.

<p><i>received after advertising.</i></p>	<ul style="list-style-type: none"> • <i>Deprivation of privacy of southern neighbour due to overlooking from living room on first floor.</i> • <i>Loss of sunlight due to building height on boundary, which will destroy attractiveness of outdoor entertainment area of southern property.</i> • <i>The proposed development will devalue adjoining property due to the modern design being out of character with area.</i> • <i>Not in keeping with Residential Design Guidelines: Monastery - Locality Plan 19.</i> • <i>The excessive height of the proposed development will limit future prospects of adjoining site due to loss of attractive outdoor environment.</i> • <i>The reduced southern first floor setback from a required 1.8 metres to a proposed 1.48 metres will create an additional 5 square metres of overshadowing on the adjacent property.</i> • <i>The window to living room on south elevation should be raised to 1.6 metres in accordance with the R Codes</i> 	<p><i>Supported – screening height of proposed window is to be increased to 1.6 metres from first floor finished floor level as required in the R Codes and as conditioned in the Officer Recommendation.</i></p> <p><i>Not supported - the overshadowing cast by the proposed development onto the adjoining property is only 17.6 per cent which is below the maximum 35 per cent permitted in the R Codes.</i></p> <p><i>Not supported - not a major planning consideration</i></p> <p><i>Not supported - Refer to “Comments”.</i></p> <p><i>Not supported - the height of the proposed development is within the maximum building height requirements identified in the R Codes.</i></p> <p><i>Not supported - the overshadowing created is well within the 35 percent permitted and the shadow cast by the proposed development is over predominantly on an existing outbuilding located on the common boundary on the adjoining property.</i></p> <p><i>Supported - as conditioned in the Officer Recommendation.</i></p>
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<i>Other Implications</i>	
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>	<i>Nil</i>
<i>Financial/Budget Implications</i>	<i>Nil</i>

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

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

COMMENTS:

Advertising Consultation

Consultation of the original application was undertaken in July 2005 where the proposal was advertised for 14 days in which time two (2) written objections were received. Additional consultation of the revised plans was not undertaken as no greater variations are proposed from the previous plans, and the application is being referred to Council for consideration and determination.

Another submission was received by the Town, after the completion of the advertising period. The submission was submitted by a consultant on behalf of an adjoining property owner who objected to the proposal during the advertising period. All comments received are identified in the Assessment Table.

Residential Design Guidelines: Monastery - Locality Plan 19.

The owners of the subject site have advised the Town's Officers that the retention of the existing character home with a suitable private courtyard area was a priority, and resulted in a smaller subdivided lot to the rear of 190 square metres. To enable the development of a suitable dwelling on the site, the owners have proposed a contemporary dwelling with a low pitched/concealed roof.

Contemporary developments are encouraged in the Monastery Locality Statement provided the design responds to the established character of the area. The proposed development incorporates the use of varying materials in its facade with varying colours as well. The owners have also advised the Town's Officers that a low pitched/concealed roof design is proposed in order to reduce the bulk and scale of the building and reduce the extent of overshadowing on the adjoining property.

Summary

The proposed development has been determined to have no unreasonable adverse impact on the adjacent properties, and the amenity of the area.

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

**10.1.3 No.381-387 (Lot 22 D/P: 71630) Oxford Street, Mount Hawthorn-
Proposed Change of Use from Warehouse to Warehouse and Light
Industry**

Ward:	North	Date:	31 October 2005
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO3307; 5.2005.3153.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R A Shepherd on behalf of the owner Quibell Pty Ltd for proposed Change of Use from Warehouse to Warehouse and Light Industry, at No.381-387 (Lot 22 D/P: 71630) Oxford Street, Mount Hawthorn, and as shown on plans stamp-dated 2 September 2005 , subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) all signage not complying with the Town's Policies relating to Signs and Advertising and Minor Nature Development 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 maximum gross floor area for the warehouse and light industry use shall be limited to 872 square metres in aggregate;*
- (iv) retail sale of goods of any nature shall not occur on the subject property;*
- (v) the hours of operation shall be restricted to 8am to 5.30pm, Monday to Friday, inclusive;*
- (vi) a maximum of three (3) employees are permitted to operate from the subject premises at any one time;*
- (vii) this approval for Warehouse and Light Industry use is for a period of 12 months only, and should the applicant wish to continue the use after this period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. If no valid planning complaints are received within the 12 months period, the new application may not require consultation/advertising and conditional approval may be issued by the Town under delegated authority from the Council; and*
- (viii) the Warehouse and Light Industry use shall be integrated and associated with each other and shall not operate independently of each other at all times.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Doran-Wu, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

“(ix) limiting the “light industry” use to the design and construction of interface control board for computer controlled agricultural equipment.”

Debate ensued.

AMENDMENT LOST (3-4)

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

(Mayor Catania was an apology. Cr Torre on leave of absence.)

MOTION LOST (0-7)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

Reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.
2. Approval of the development would create an undesirable precedent within the area.
3. Consideration of the objection received.
4. Difficulty in controlling the nature of light industrial use in the premises.
5. The close proximity to nearby residences.

Landowner:	Quibell Pty Ltd
Applicant:	R A Shepherd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Warehouse
Use Class:	Warehouse ,Light Industry
Use Classification:	"P", "SA"
Lot Area:	2914 square metres
Access to Right of Way	West and South side, 5.0 metres wide, sealed, Town- owned

BACKGROUND:

An archive search has indicated that the subject site has an extensive history dating back to 1973 relating to the approval of a car sales yard and warehouse, workshop extensions, a three bay car port, a color bond shed and taxi depot (front portion only). In more recent times (1988-1990), planning applications for a 'food processing (light industry)' and 'take away food van' use has been refused by the Perth City Council.

DETAILS:

The proposal involves the change of use of 'Unit 4' from warehouse to warehouse and light industry. The applicant's submission is "*Laid on the Table*".

The proposal also proposes signage on the existing billboard adjacent to Oxford Street and above the rear roller door adjacent to the right of way. Details of the signage has not been provided, however, it appears that that the proposed signage complies with the Town's Policy relating to Minor Nature Development and Signs and Advertising and as such, do not require Planning Approval. This matter has been addressed via Clause/Condition (ii) of the Officer Recommendation.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> • there are other areas adequately zoned for light industry • proposal is detrimental to the harmony and tolerance between the existing residential and warehouse uses • vehicle traffic 		Not supported- under the Town's TPS 1, use can be considered under subject Commercial zoning. Not supported- refer to "Comments". Not supported- refer to "Comments"
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
It is considered appropriate that the car parking requirement for these uses be on the basis that the warehouse and light industry uses are a single component as the light industry use is integral with the warehouse use and the car parking requirement ratio for warehouse and light industry is the same. In light of this and the subject 'unit 4' being already approved as a warehouse' use, it is considered that the subject proposal does not require any additional car parking from currently approved car parking requirements.			

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

COMMENTS:

In light of the applicant's submission and the distance of the dwellings across from the right of way, it is considered that the processes carried on, the machinery used, and the goods carried to and from the premises will not unduly affect the amenity of the locality in terms of pollution, noise or extra vehicular access.

On the above basis, approval is recommended, subject to standard and appropriate conditions to address the protection of the amenity of the adjoining area, which includes the number of employees, number of customers and days of operation being limited within the margins proposed by the applicant and the approval period being limited as per Condition (vii) of the Officer Recommendation.

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

Ward:	North	Date:	7 November 2005
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO1137
Attachments:	001		
Reporting Officer(s):	D Brits, S Teymant, A Bosworth		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

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

Cr Doran-Wu departed the Chamber at 8.26pm.

The Chief Executive Officer advised that a letter had been received today from the Department of Racing, Gaming and Liquor granting an extension of time until 9 December 2005. Clause (ii) of the recommendation was amended, as follows, to reflect this change prior to the Council considering the matter.

“(ii) *REQUESTS NOTES that the Department of Racing, Gaming and Liquor ~~for~~ has granted an extension of time until 9 December 2005 to comment on the Extended Trading Permit application so as to enable the Town to conduct community consultation about the application; and*”

Moved Cr Messina, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.28pm.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

COUNCIL DECISION ITEM 13.1

That the Council;

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

ADDITIONAL INFORMATION:

The matter of public anti-social behaviour complaints (Police responsibility) in the vicinity of this establishment and other liquor licensed establishments, are referred to the Local Police Service and raised at the subsequent Western Accord for the information of the Office of the WA Police Service's Alcohol and Drug Adviser and representative from the Department of Racing, Gaming and Liquor.

On Tuesday 28 June 2005 the Executive Manager Environmental and Development Services advised the Mayor and all Councillors of the Town's response to a complaint received from a neighbour on 26 May 2005.

In addition, a further investigation of the Town's records revealed one complaint was received on 4 December 2004, regarding unsatisfactory language and behaviour, and another received from a resident near Mount Hawthorn Community Centre alleging patrons from the establishment create problems.

As the Officer Recommendation is to conduct Community Consultation in a 200 metre radius, these residents and others will formally be given the opportunity to comment on the proposed Extended Trading Permit.

PURPOSE OF REPORT:

The purpose of the report is to advise Council that notification has been received that Paddington Alehouse located at No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, applied to the Department of Racing, Gaming and Liquor (DRGL) to renew its existing Extended Temporary Trading Permit for a two year period in relation to Friday and Saturday nights from 12.00am to 1.00am.

BACKGROUND:

The existing Extended Trading Permit was initially approved on 20 October 1994 and the Licensee applied to the DRGL to renew the permit for a two year period.

Although the public notification under the Liquor Licensing Act 1988 closes on 9 November 2005, the Town can submit comment by 17 November 2005. In addition, an extension of time to comment has been requested in order for the Town to conduct Community Consultation and submit a further report to Council by 6 December 2005. At the time of writing this report, no formal response had been received from the DRGL.

The Council at its Ordinary Meetings held on 7 December 2004, received the establishment's documentation as follows:

1. Paddington Alehouse - Harm Minimisation and Management Plan;
2. Paddington Alehouse - House Management Policy; and
3. Paddington Alehouse - Code of Conduct.

The Town previously reported that since the public meeting conducted by the establishment and the Town's Officers with local residents on 20 December 2003, 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 that period.

On 25 November 2004 community consultation led to thirteen (13) submissions being received in relation to various matters but including anti-social behaviour, litter and patron noise in the vicinity.

DETAILS:

The Town has received the following complains over the previous twelve (12) months;

Noise

One (1) noise complaint regarding the Paddington Ale House in the past 12 months. The complaint was in relation to the depositing of glass bottles into external waste bins late at night.

Management

Other recent complaints include the alleged dumping of waste cooking oil into the stormwater drains at the rear of the licensed venue. However, an Environmental Health Officer's inspection of the stormwater drain revealed that there was no evidence at the time of inspection, that waste, cooking oil had been disposed of in an unauthorised manner. Nevertheless, the Hotel's Manager was informed of the complaint and requested to ensure the hotel staff were made aware of the requirements in relation to the appropriate depositing of waste. No further complaints regarding this matter have been received. Occasional complaints regarding the placement of A-frame signage and banners on median strips and the footpath area abutting the venue have also been received and been addressed by the Town's Rangers accordingly.

Alfresco Dining

One complaint was recently received in relation to the layout of the alfresco dining area and queuing congestion of footpath at times. These matters have been promptly addressed.

Street Parking

Between 1 November 2004 and 1 November 2005, 1,849 infringement notices were issued to 1,813 different vehicles, for parking in Fairfield Street. Of this number 1456 have been paid, 58 have been withdrawn for Resident/Visitor status, 36 have been withdrawn for Overseas/Interstate status and 42 have been lodged with Fines Enforcement Registry. Of the remainder, 193 remain outstanding, at the various stages of the process and 64 have been withdrawn for a number of other reasons, including "Police On Duty", "Ranger/Clerical Error", "Vehicle Mismatch" and "No Current Owner Recorded".

Of the 58 infringement notices withdrawn for "Resident/Visitor", in 3 cases, the vehicles had been fined twice and in 2 further cases, the same residents regularly failed to display permits and had five (5) and six (6) infringement notices, respectively, withdrawn. Of the 36 infringement notices withdrawn for "Overseas/Interstate", one vehicle was issued with four (4) fines and five vehicles received two fines each.

Street Parking

Between 1 November 2004 and 1 November 2005, there were eight (8) recorded complaints from residents about parking matters and all were dealt with by the Town's Rangers. Four of these complaints were about vehicles that parked too close to driveways and a further three were about illegal verge parking. In the remaining case the complaint was of a general nature, suggesting that Rangers had patrolled Fairfield Street too early in the night.

Overall, the Town's Administration considers the management and conduct of the Paddington Ale House to be satisfactory.

On 28 October 2005 the following e-mail complaint was received:

*'Mayor and Councillors
Town of Vincent*

I have been advised that the Paddington Alehouse Mount Hawthorn has made application to renew its Extended Trading Permit. Please find attached a copy of "Notice to Residents & Business Owners".

As you maybe aware the local residents from Fairfield, Flinders Street and Scarborough Beach Road have been complaining about our growing concerns to your office and other state government departments.

*Can we the residents rely on your written support to **reject** the application to extend the trading hours of the Paddington Alehouse Hotel from 12.00 midnight to 1.00am Friday & Saturday.*

Thank you for your time, we look forward to your reply.'

On 3 November 2005 the following e-mail complaint was received:

*'Chief Executive Officer
& Council Members
Town of Vincent
PO Box 82
LEEDERVILLE WA 6902*

Dear Chief Executive Officer & Council Members,

I am writing in regards to continuing disruption to local residences due to drunken patrons and anti social behaviour from the Paddington Ale House, located on the corner of Scarborough Beach Road and Fairfield Street, Mt Hawthorn.

I refer to my letter 26th May 2005 to which only Cr Deon Brits, Cr Helen Doran-Wu and Cr Isidoro Messina replied, to whom I would like to sincerely thank for an acknowledged response.

The Paddington Ale House has applied for renewal of extended trading hours. I on behalf of the residences affected by the continuing disturbances and anti-social behaviour from the Paddington Ale House and its patrons, are seeking the Councils support to reject the extended trading hours application and help in creating a long and overdue harmony between the residences, Paddington Ale House and Town of Vincent.

A copy of the application by the Paddington Ale House to the Public is attached.'

Rangers continue to enforce the parking restrictions in Fairfield Street on a daily basis.

DETAILS:

In the submission to the DRGL, the applicant advises as follows:

“The extended hour of trading allows patrons to leave at a more leisurely rate. There is a gradual exit of patrons between midnight and 1.00am being minimal in comparison to the streets being inundated with people (a full house) should it be a midnight closing time.

The Extended Hour takes pressure off:

Neighbours – a gradual exit of people means the surrounding streets are quieter rather than a flood of customers at midnight with an entire pub full of people out in the street at once. A midnight close and a pub full of patrons out on the street at once would cause great noise pollution for our neighbours with a vast number of people waiting for taxis at one time.

Taxi companies – the extra hour relieves the pressure on the companies and drivers as there is no “flood” or great peak period for their services at one single time. There is a gradual flow of patrons waiting for taxis from midnight until 1.00am and the final number from 1.00am is far less than what it would be if it was a midnight close, which would cause the surrounding streets to be swamped with people, not to mention a great demand for drivers at once, and them not being able to cater for the influx.

Security Personnel – in relation to the extra hour, it is advised that when the business close at midnight we have found that hundreds of people have to leave at the same time, but in extending hours past midnight dispersion of people in smaller groups occurs and as such it eases the pressure on our nearby residents and security. It allows our security to have greater control in monitoring the crowd both inside and outside the hotel plus surrounding streets. This greater control in monitoring the crowd/partons being: monitoring patrons behaviour; noise levels upon exiting the establishment; attempting to leave/exit the establishment with glassware.

The extra hour provides the ability for the gradual exit of patrons rather than an influx at midnight and putting extra pressure on security controlling and monitoring situations that may rise due to the large amount of people exiting at once.

The additional hour is beneficial to all concerned and has worked very well over the past few years.”

CONSULTATION/ADVERTISING:

Advertising is the legal responsibility of the Licensee and under the supervision of the Department of Racing, Gaming and Liquor in relation to temporary extended trading permits. In addition, the Town’s Community Consultation Policy No. 4.1.5 also deals with Extended Trading Permits. This states that consultation for renewal of Extended Trading Permits is at the discretion of the Manager Health Services in liaison with the Executive Manager Environmental and Development Services.

LEGAL/POLICY:

- Liquor Licensing Act 1988 (as amended);
- Community Consultation Policy No. 4.1.5; and
- Council Resolution of 7 December 2004. It is confirmed that the maximum accommodation numbers have not been increased.

STRATEGIC IMPLICATIONS:

The proposal is in keeping with KRA 2.2(g) of the Town's Strategic Plan, 2005 - 2010 - *"Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promote safety and security"*.

FINANCIAL/BUDGET IMPLICATIONS:

Approximately \$100 for letter-drop and subsequent administration.

COMMENTS:

The Town's Administration considers the management and conduct of the Paddington Ale House over the previous twelve (12) months to be satisfactory. Very few justified complaints had been received by the Town. Notwithstanding the above, as the local community have previously expressed concerns, it would be appropriate to conduct community consultation, in accordance with the Council's Community Consultation Policy.

A further report will be submitted to Council at the Ordinary Meeting of Council to be held on 6 December 2005 following community consultation within a 200 metre radius of the premises.

10.1.7 No. 120 (Lot 257 D/P: 1791) Egina Street, Mount Hawthorn - Proposed Demolition of Existing Single House (Reconsideration of Condition (iii) approval 5.2005.3068.1)

Ward:	North Ward	Date:	1 November 2005
Precinct:	P01 - Mount Hawthorn Precinct	File Ref:	5.2005.3068.2
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by W N Tran on behalf of the owner C W Soo & W N Tran for proposed Demolition of Existing Single House (Reconsideration of Condition (iii) approval 5.2005.3068.1), at No.120 (Lot 257 D/P: 1791) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 17 October 2005, subject to:

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

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Journalists Mark Fletcher and Dan Hatch departed the meeting at 8.34pm and did not return.

LOST (1-6)

<u>For</u> Cr Lake	<u>Against</u> Deputy Mayor, Cr Farrell Cr Chester Cr Doran-Wu Cr Ker Cr Maier Cr Messina
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(Mayor Catania was an apology. Cr Torre on leave of absence.)

Reasons:

1. The Town wants to encourage redevelopment and discourage vacant lots.
2. The standard condition is appropriate.
3. No demonstrated urgency.

Landowner:	C W Soo & W N Tran
Applicant:	W N Tran
Zoning:	Metropolitan Region Scheme: (MRS) Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	N/A

BACKGROUND:

27 September 2005	Council approves demolition of existing dwelling subject to standard conditions.
17 October 2005	Planning application and Building Licence application lodged by Applicant for single house on the subject property, currently being assessed.
17 October 2005	Planning Application for reconsideration of condition lodged by the applicant in relation to previous conditional approval for demolition of existing dwelling.

DETAILS:

The application involves the reconsideration of condition (iii) of the conditional approval granted by the Council at its Ordinary Meeting held on 27 September 2005 for proposed demolition of existing dwelling.

Condition (iii) of the subject approval states as follows:

"(iii) 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;"

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

COMMENTS:

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

The applicant has submitted a redevelopment proposal for the subject land including working drawings for the Building Licence application.

A letter from the applicant outlines the intent for the building to be relocated to a rural town and the arrangements required to undertake the relocation has prompted the request of reconsideration of the above standard condition.

The applicant's submission is "*Laid on the Table*". In this instance, the request for reconsideration is considered acceptable, given the applicant's submission of working drawings for a Building Licence Application for the subject land, and the proposed re-use of the building as described in the applicant's covering letter.

In light of the above, it is recommended that the proposed demolition of the existing dwelling be approved subject to the standard conditions, excluding the condition requiring a redevelopment proposal to be submitted and approved prior to the issue of a Demolition Licence.

10.1.11 Amendment No. 12 to Planning and Building Policies Relating to Shopfronts and Front Facades to Non-Residential Buildings

Ward:	Both Wards	Date:	31 October 2005
Precinct:	All Precincts	File Ref:	PLA0137
Attachments:	001		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the Policy relating to Shopfronts and Front Facades to Non-Residential Buildings, as shown in Attachment 10.1.11, resulting from the advertised version having been reviewed and regard to no written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Policy relating to relating to Shopfronts and Front Facades to Non-Residential Buildings, as shown in Attachments 10.1.11; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating to Shopfronts and Front Facades to Non-Residential Buildings as shown in Attachment 10.1.11, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Ker

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

"(iv) AMENDS the final version of the Policy relating to Shopfronts and Front Facades to Non-Residential Buildings, as shown in Attachment 10.1.11 by amending the following, prior to clauses (i), (ii) and (iii) above being actioned:

“Security Measures

P4 External and internal open grill, concertina lattice or 75 ~~per cent~~ percent visually permeable shutters ~~raised during the day and lowered at night that are not visible during trading hours of that business.~~

....”

AMENDMENT CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

MOTION AS AMENDED CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

COUNCIL DECISION ITEM 10.1.11

That the Council;

- (i) ***RECEIVES the final version of the Policy relating to Shopfronts and Front Facades to Non-Residential Buildings, as shown in Attachment 10.1.11, resulting from the advertised version having been reviewed and regard to no written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;***
- (ii) ***ADOPTS the final version of the Policy relating to relating to Shopfronts and Front Facades to Non-Residential Buildings, as shown in Attachments 10.1.11;***
- (iii) ***AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating to Shopfronts and Front Facades to Non-Residential Buildings as shown in Attachment 10.1.11, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1; and***
- (iv) ***AMENDS the final version of the Policy relating to Shopfronts and Front Facades to Non-Residential Buildings, as shown in Attachment 10.1.11 by amending the following, prior to clauses (i), (ii) and (iii) above being actioned:***

“Security Measures

P4 External and internal open grill, concertina lattice or 75 ~~per cent~~ percent visually permeable shutters ~~raised during the day and lowered at night that are not visible during trading hours of that business.~~

...”.

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final version of the Policy relating to Shopfronts and Front Facades to Non-Residential Buildings, and seek final adoption. This Policy will replace the existing ‘Policy No.3.5.15 – Security Roller Shutters, Doors and Grilles on Non-Residential Buildings’.

BACKGROUND:

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

The amended Policy relating to Shopfronts and Front Facades to Non-Residential Buildings was instigated by a Notice of Motion resolved at the Ordinary Meeting of Council held on 7 October 2003, relating to ‘Policy No.3.5.15 – Security Roller Shutters, Doors and Grilles on Non-Residential Buildings’ where it was resolved that:

“That;

- (i) ***the Town's Policy No 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, be reviewed, with regard to its appropriateness and effectiveness in respect of:***

- (a) *experience with the application of the current policy; and*
- (b) *awareness of commercial proprietors within the Town with respect to the current policy; and*
- (ii) *the report:*
 - (a) *considers:*
 - *methods of measuring permeability;*
 - *the ability to enforce policy;*
 - *increase permeability from 50%;*
 - *listing outstanding breaches/non-compliances;*
 - (b) *should not consider decreasing permeability;*
- (iii) *the above re-affirms the Council's commitment to Objective 2 of the Policy;*
- (iv) *the Chief Executive Officer report back to the Council no later than 2 December 2003 recommending whether the Policy should remain unaltered, be amended, or revoked; and*
- (v) *the Town consult with the Town's businesses, the Insurance Council of Australia and the Police Department of WA during the policy review."*

Following the abovementioned resolution of Council, investigation was undertaken by the Town's officers in researching information relating to shopfronts, taking into account various types of available products for shopfront security. In addition, a presentation was delivered to the Elected Members in December 2004 on issues relating to roller shutters, grilles and the like on facades of non-residential buildings, including Policy concepts for discussion.

The Council at its Ordinary Meeting held on 26 April 2005 resolved the following:

"That the Council;

- (i) *RECEIVES this report and the draft amended Policy relating to 'Shopfronts and Front Facades to Non-Residential Buildings' (formerly 'Security Roller Shutters, Doors and Grilles on Non-Residential Buildings'), as shown in Attachment 001;*
- (ii) *ADOPTS the draft amended Policy relating to 'Shopfronts and Front Facades to Non-Residential Buildings' to be applied to those planning and building applications received after the date the draft amended Policy is formally adopted by Council;*
- (iii) *ADVERTISES the draft amended Policy relating to 'Shopfronts and Front Facades to Non-Residential Buildings' for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the amended Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the amended Policy; and*
 - (c) *forwarding a copy of the amended Policy to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *reviews the draft amended Policy relating to 'Shopfronts and Front Facades to Non-Residential Buildings', having regard to any written submissions; and*
 - (b) *determines the draft amended Policy relating to 'Shopfronts and Front Facades to Non-Residential Buildings', with or without amendment, to or not to proceed with them;*

- (v) *ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 7 October 2003 relating to Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, has been addressed and finalised through discussion at the Elected Members Forum held on 14 December 2004, and by the draft Policy relating to Shopfronts and Front Facades to Non-Residential Buildings; and*
- (vi) *AMENDS the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’ as shown in the Attachment, by amending the Policy Statement as follows, prior to clauses (i), (ii), (iii), and (iv) above being actioned:*

General

~~*P10 Upon demonstration of design articulation, streetscape interaction and compliance with the performance criteria, the Town of Vincent may consider variations to those applications that demonstrate evidence of being a ‘high risk’ business or demonstrating evidence of structural difficulty of placing security grilles and shutters within the existing built structure; and”*~~

ASSESSMENT TABLE

<u>Performance Criteria</u>	<u>Acceptable Development</u>
<u>New development (inclusive of alterations and additions) to meet these criteria:</u>	<u>Development which complies with the following will generally be approved:</u>
<u>Shopfronts and Front Facades to Non-Residential Buildings</u>	<u>Shopfronts and Front Facades to Non-Residential Buildings</u>
<u>P1 Sufficient security is to be provided without spoiling the character or appearance of a building.</u>	<u>A1 External and internal visually impermeable roller shutters, doors and grilles, and security bars are not permitted.</u>
<u>P2 Security grilles and shutters are to be discreet, have minimal impact, and not dominate the shopfront and front facades to non-residential buildings.</u>	<u>A2 Open type security grilles or transparent (visually permeable to 75 per cent of the overall surface area) shutters to are acceptable only when located behind the shopfronts and front facade to non-residential buildings are acceptable only when they are, moveable, and not visibly seen during trading hours of the business; and</u> <u>1) to be illuminated from behind to maintain visual privacy;</u> <u>2) the shutter box to be recessed behind the fascia panel; and</u> <u>3) the shutters and shutter box to be properly treated in a colour to tone in with the rest of the shopfront.”</u>

The deletion of Clause P10 from the draft amended Policy removes the possible ambiguity of the document in relation to any applications seeking variations to the Policy provisions. Rather than requiring applicants to demonstrate ‘high risk’ business status, as categorised by insurance companies, as a basis for any variations to the Policy, that the variations be considered on an individual basis and determined by Council.

DETAILS:

The Policy requires shopfronts and front facades to non-residential buildings to provide for security without spoiling the character or appearance of a building, and to ensure that frontages contribute to pedestrian movement, safety and interaction. Whilst allowing more functional provisions within the performance criteria to allow those properties that have serious security concerns to have design flexibility.

The Policy clearly states that solid external and internal roller shutters, doors and grilles are not permitted, to ensure that there is a continuity of front display windows on street level. Additionally, the Policy has a provision clearly requiring an application be submitted for Planning Approval for all additions, alterations, installation of security grilles and shutters, to existing shopfronts and front facades to non-residential buildings.

To achieve a high standard of streetscape amenity, the Policy through its objectives and policy statements clarifies the intent and wishes of the Town to create high quality shopfront and front facades to non-residential buildings design.

Ultimately, the Policy relating to Shopfronts and Front Facades to Non-Residential Buildings will allow for the assessment and consideration of development applications that propose additions, alterations, installation of security grilles, bars and shutters, to existing shopfronts within the Town. The Policy will also allow for better clarity for both the applicants and Town's Officers for any proposals that include such elements.

CONSULTATION/ADVERTISING:

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

Advertising of the draft Policy concluded on 14 June 2005. No submissions objecting to the Policy were received during the comment period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

10.1.12 No. 25 (Lots 20 and 23 D/P: 32574) Alma Road, (corner Hutt Street), Mount Lawley - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses

Ward:	South	Date:	2 November 2005
Precinct:	Norfolk; P10	File Ref:	PRO3271; 5.2005.3076.1; 5.2005.3077.1; 5.2005.3078.1
Attachments:	001		
Reporting Officer(s):	S Klarich; T Woodhouse		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Anderson on behalf of the owners S J Gauntlett and M M Dillon for the Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses, at No. 25 (Lots 20 and 23 D/P: 32574) Alma Road, (corner Hutt Street), Mount Lawley, and as shown on plans stamp-dated 29 July 2005 , subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Alma Road and Hutt Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the living room on Lot 23 has an improved active and interactive relationship with Hutt Street. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the:*
- (a) *first floor eastern window to dining room on Lot 20;*
 - (b) *first floor eastern opening to terrace on Lot 23; and*
 - (c) *all first floor obscured glazing windows and obscured glass screens shown on the attached plans,*
- be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees, OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (v) *subject to first obtaining the consent of the owners of Lots 20 and 23 Alma Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Lots 20 and 23 Alma Road in a good and clean condition.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Messina, Seconded Cr Lake

That the recommendation be adopted.

Moved Cr Lake, Seconded Cr Maier

That clauses (iii) and (iv) be amended to read as follows:

- “(iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the first floor living room and kitchen on Lot 20 and first floor living room on Lot 23 ~~has~~ have an improved active and interactive relationship with Hutt Street. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the:*
- (a) *first floor eastern window to dining room on Lot 20;*
 - (b) *first floor eastern opening to terrace on Lot 23; ~~and~~*
 - (c) *all first floor obscured glazing windows and obscured glass screens shown on the attached plans; and*
 - (d) *the eastern panel to first floor northern dining room window on Lot 23,*

be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees, OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.

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

Debate ensued.

AMENDMENT CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

MOTION AS AMENDED LOST (3-4)

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

(Mayor Catania was an apology. Cr Torre on leave of absence.)

Reason:

1. Non-compliance with the Town’s Alma Locality Policy, especially with regards to the streetscape in Hutt Street.

AMENDED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Lot 23 (Hutt Street) <u>Privacy:</u> <u>First floor</u> <u>- dining room</u> <u>(north)</u>	<u>Cone of vision setback to be 6 metres from adjoining boundary.</u>	<u>Cone of vision setback from dining room to northern boundary - 4.25 metres.</u>	<u>Supported - applicant is owner of northern property and letter stating no objection to the overlooking was submitted.</u>

Landowner:	S J Gauntlett & M M Dillon
Applicant:	S Anderson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 20 - 204 square metres; Lot 23 - 207 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house that is situated over both Lots 20 and 23, and the construction of two (2) two-storey single houses, one on Lot 20 and the other on Lot 23. Lot 20 has frontage onto Alma Road and Hutt Street with Lot 23 having frontage onto Hutt Street.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted - a single house on each existing lot.
Plot Ratio	N/A	N/A	Noted
Lot 20 (corner Alma and Hutt Street) Setbacks: North (front) - ground floor	4 metres	3 metres	Supported - in line with existing setbacks of adjoining properties and maintaining streetscape. Supported - in this instance, the first floor to be setback 2 metres behind proposed ground floor setback which is in keeping with the intention of Town's Policy and the existing streetscape, with no undue impact on adjoining properties, furthermore, No. 1 Alma Road has a first floor setback of 3.9 metres. See "Comments"
- first floor (main building)	6 metres	5 metres	

- first floor (terrace)	6 metres	4 metres	Supported – in this instance, the terrace to be setback 1 metre behind proposed ground floor setback is in keeping with the intention of Town's Policy and the existing streetscape, with no undue impact on adjoining properties, furthermore, No. 1 Alma Road has 3 metres setback to its balcony. See "Comments"
Privacy: First floor - dining room	Cone of vision setback to be 6 metres from adjoining boundary.	Cone of vision setback from dining room to eastern boundary - 5.88 metres and to southern boundary - 1.9 metres.	Not supported - applicant is owner of southern property and letter stating no objection to the overlooking was submitted, however considering cone of vision setback variation to eastern boundary is also required, screening to dining room window is conditioned in Officer Recommendation.
Lot 23 (Hutt Street) Setbacks: West (front) - first floor (main building)	6 metres	4 metres	Supported – in this instance, behind secondary street side setback to proposed new house on Lot 20, and in keeping with reduced ground floor front setbacks along the street. See "Comments"
- first floor (terrace)	6 metres	3 metres	Supported - as above

Privacy: First floor - terrace	Cone of vision setback to be 7.5 metres from adjoining boundary.	Cone of vision setback from terrace to eastern boundary - 5.88 metres and to northern boundary - 2.5 metres.	Not supported - applicant is owner of northern property and letter stating no objection to the overlooking was submitted, however considering cone of vision setback variation to eastern boundary is also required, screening to the terrace is conditioned in Officer Recommendation.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

Heritage Assessment

A detailed heritage assessment has been included as an attachment to this report.

The subject dwelling at No. 25 Alma Road, North Perth is a single storey rendered brick and tile dwelling constructed c1909 during the Gold Boom period of development in Perth. The original form and structure of the place has been largely diminished due to alterations to the external and internal fabric.

The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwelling contributes to the streetscape in terms of traditional setbacks but it is not a unique, endangered or an outstanding example of its type, and no links of historical importance have been established. The place is not considered to meet the threshold for entry in the Municipal Heritage Inventory and it is recommended that the application to demolish the place be approved, subject to standard conditions.

Advertising Consultation

The proposal was advertised for 14 days in which time no submissions were received.

First Floor Setbacks

With the existing ground floor street setbacks along Alma Road and Hutt Street being predominantly 3 metres, this has been considered in support of the proposed reduced first floor setbacks to the proposed houses.

The Town's Locality Policy require a 6 metre first floor setback with the intention of the first floor being setback 2 metres behind the ground floor. In considering this, the proposed 5 metre setback to the main building on the first floor of Lot 20 (fronting Alma Road) is located 2 metres behind the ground floor. This is consistent with the intention of the Policy, and is therefore supported in this instance.

With the existing house being situated over both Lots 20 and 23, the proposed dwelling on Lot 23 (fronting Hutt Street) is considered as being along a secondary street, therefore, in this instance the required setbacks have been assessed accordingly and are consistent with the intentions identified above.

Street Interaction

The street elevation to the proposed dwelling on Lot 23 provides minimal interaction from the first floor to the street. It is the Towns Policy to require that a habitable room maintains a clear view of the street and the approach to the dwelling and therefore, the provision of an active and interactive relationship between the first floor living room and Hutt Street is recommended, as conditioned in the Officer Recommendation.

Summary

The variations sought by the applicant (except those relating to overlooking which are addressed in the conditions of the Officer Recommendation) are supportable, and do not have an undue impact on the adjoining properties or surrounding streetscape.

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

10.2.1 Progress Report on Road Safety Messages on Mobile Garbage Bins

Ward:	Both	Date:	26 October 2005
Precinct:	Mt Hawthorn P1	File Ref:	TES0334
Attachments:	001;		
Reporting Officer(s):	R Morphett, R Lotznicher		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the progress report on the 'Road Safety Messages on Mobile Garbage Bins';
- (ii) **NOTES** the positive outcomes in terms of reduction in 85th percentile speeds during the trial as outlined in the report and as indicated on the attached graphical representation;
- (iii) **EXTENDS** the Mount Hawthorn 'Road Safety Messages on Mobile Garbage Bins' area to include Egina Street, Buxton Street and Kalgoorlie Street between Berryman Street to Anzac Road, The Boulevard between Larne Street and Anzac Road and Flinders Street between Scarborough Beach Road and Green Street;
- (iv) **ADVISES** the Mount Hawthorn Primary School of the findings of the trial and of the proposed extension of the area, as outlined in clause (ii) and requests that the Mount Hawthorn Primary School P & C again assists with the implementation and promotion of the stickers;
- (v) **DEVELOPS** 'Road Safety Messages on Mobile Garbage Bins' program to progressively include appropriate streets in the vicinity of ALL Primary Schools within the Town in consultation with the schools and in liaison with Road Wise; and
- (vi) **RECEIVES** a further report once the program has been developed to determine the most appropriate implementation timeframe and cost implications.

COUNCIL DECISION ITEM 10.2.1

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the outcome of the *Please Slow Down Consider Our Kids* bin sticker pilot program in the area surrounding Mount Hawthorn Primary School and seek Council's approval to progressively extend the Road Safety Messages on Mobile Garbage Bins program to all primary school areas within the Town.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 July 2005, a pilot program of Road Safety Messages on Mobile Garbage Bins was considered by the Council, where the following decision was made:

That the Council;

- (i) *RECEIVES the report on the Proposed Road Safety and Education Strategy and Road Safety Messages on Mobile Garbage Bins;*
- (ii) *APPROVES the proposal of a pilot program as outlined in the report, in the area surrounding the Mount Hawthorn Primary School; and*
- (iii) *NOTES that a progress report on the matter will be submitted to the Council once the proposal has been in place for three (3) months and the project evaluated.*

DETAILS:

Road Safety messages on Mobile Garbage Bins (MGBs)

RoadWise has developed and actively promotes the innovative road safety project "*Please Slow Down - Consider Our Kids*" campaign, of which the bin stickers form an integral part of a larger program which is intended to:

- Raise awareness of the issue of speeding
- Direct motorists to slow down on local roads
- Enhance compliance with the built up speed limit of 50 kph
- Encourage social responsibility by requesting consideration of the children of Western Australia

It was considered that the *Please Slow Down - Consider Our Kids* wheelie bin sticker project could contribute to a reduction in travel speeds on local roads and foster community support for the default 50 kph built-up speed limit. The bin stickers, in raising awareness of the issue of speeding, could act as a visual cue to encourage motorists to change their behaviour in the short term, by assisting in the decision making process to "Slow Down", and in the long term, contribute to the attitude that speeding is a socially unacceptable form of behaviour.

Mount Hawthorn Primary School Pilot Program

Mount Hawthorn Primary School was nominated to participate in the *Please Slow Down - Consider Our Kids* wheelie bin sticker pilot program, and members of the P&C were involved in the distribution and use of the bin stickers in the streets surrounding the school including: Buxton, Coogee, Dover, Egina, Ellesmere, Kalgoorlie, Killarney and Matlock Streets, Scarborough Beach Road, The Boulevarde and Woodstock Street, as shown on attached Plan No 2354-CP-1.

Residents in the participating streets were advised via a letter box drop in order to prepare them for the eventuality of the bin stickers being placed on their bins. The letter outlined the reasoning behind the campaign and indicated that success of the program relied on community co-operation and support.

Bin stickers were distributed through the program area in the week beginning Monday 15 August 2005. Approximately 95% of the bins in the target area had stickers applied in a single operation.

Traffic Assessment

The Town's officers placed classifiers on all roads within the program area and the data was assessed as follows:

- the day of garbage collection (bin collection day)
- the day after garbage collection (non bin collection day)

Results

The data was evaluated for the peak morning travel period from 8.00am to 9.00am. It was considered that this time period coincided with motorists travelling to work and parents delivering children to school whilst households had their bins out on the road edge.

The following table outlines the results of the traffic assessment.

Street	85%kph Bin Day	85%kph Non-Bin Day	Bin Day	
			kph reduction	kph increase
Egina Street	50.00	51.10	-1.10	
Buxton Street	43.90	53.30	-9.40	
The Boulevard	50.00	54.00	-4.00	
Ellesmere Street	54.70	57.60	-2.90	
Killarney Street (school zone)	32.40	33.50	-1.10	
Dover Street	39.00	38.00		1.00
Matlock Street	49.00	50.80	-1.80	
Woodstock Street	51.80	50.80	1.00	
Coogee Street	55.00	56.00		-1.00

As can be seen from the above results the majority of areas recorded a slight decrease in the 85th percentile speed when the bins were out while the speed at only two locations remained practically unchanged. It is also interesting to note that the 85th percentile speed in the school zone was well below the 40kph.

Community Feedback

Initial responses from the community have been very positive and supportive of the initiative. Some of the responses received are outlined below:

- I would like to pass on my thanks for supporting such a great project and I hope that it is eventually rolled out throughout the whole area. I look forward to being able to display a sticker on my bin.
- I am writing to congratulate you on running the trial of the wheelie bin stickers in Mount Hawthorn. I personally support the idea of the stickers wholeheartedly and believe it will have a positive effect in reducing traffic speed in the area. I have also received lots of encouraging responses from various parents within the school community.

- I wanted to say that my wife and I are very supportive of the Bin Sticker Pilot Project which we think is an excellent initiative by the Council for the benefit of residents of Mt Hawthorn generally and our young people in particular. However, like others in the community, we believe that it is imperative that the project be extended to include all streets within the Town.
- I would like to say I think it is fantastic to see the stickers on more bins in the Mount Hawthorn streets, I would like to see them in all areas including our street.
- Thanks for putting stickers on the bins. I drive to school every day and have noticed them in other council areas, and really DO slow down. It is a great idea, as we don't get used to the signs, they only appear once a week on bin day.
- I think the 'Slow Down' bin stickers are a fantastic initiative, and I would be very pleased to put one on our wheelie bin. We live close to a corner and there are quite a few children in the street, so it's a great way to remind motorists to be aware of our children and slow down. It would be great to see them all through the TOV.

Officer's Comments:

As a community-based project, it was relatively easy and inexpensive to implement, with responses many positive received from nearby residents and those travelling through the area.

The Mount Hawthorn pilot program encouraged community ownership and participation, which is considered to be an essential element in efforts to reduce road trauma and improve road safety.

Trials of the program in the City of Stirling and City of Wanneroo have shown similar traffic results and have found it to be an effective means of involving the community in road safety.

Interest is yet to be determined from other primary schools within the Town. The primary schools under consideration include the following:

- Aranmore Catholic Primary School,
- Kyilla Primary School,
- Highgate Primary School
- North Perth Primary School
- Sacred Heart Primary School (*omitted in error in original report*)

Upon expansion of the program within these school areas the Town would seek further grant funding from RoadWise.

From the responses received from the local community it can be seen that the bin stickers empower community members by enabling them to feel that they can directly contribute to promoting the slow down message.

Given its success it is proposed that the current 'Road Safety Messages on Mobile Garbage Bins' area be extended to include:

- Egina Street, Buxton Street and Kalgoorlie Street between Berryman Street to Anzac Road. The Boulevard between Larne Street and Anzac Road.
- Flinders Street between Scarborough Beach Road and Green Street;

CONSULTATION/ADVERTISING:

Other primary schools within the Town will be consulted in regards to their interest in participating in the program.

LEGAL/POLICY:

The stickers have no legal status.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. “o) *Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.*”

Under Key Result Area Two: Community Development:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

A total of 1,000 bin stickers for the 'pilot project' were purchased in 2004/2005 at a total cost of \$4,400. Additional funds have been included in the 2005/2006 draft budget to expand the program.

A total of 560 stickers were distributed in the Mount Hawthorn area. There are 440 stickers remaining to be implemented in the extended area as recommended.

COMMENTS:

As reported the majority of areas recorded a slight decrease in the 85th percentile speed when the bins were out. As a community-based project simple and relatively inexpensive to implement, with many positive responses received from nearby residents and those travelling through the area.

The Mount Hawthorn pilot program encouraged community ownership and participation, which is considered to be an essential element in efforts to reduce road trauma and improve road safety.

It is therefore recommended that the Council approves the extension of the program in the nominated streets surrounding Mount Hawthorn Primary School and progressively extends the program to include all primary school areas within the Town.

10.2.2 Smith's Lake Reserve - Redevelopment

Ward:	North	Date:	26 October 2005
Precinct:	Smith's Lake:P6	File Ref:	RES0035
Attachments:	001:		
Reporting Officer(s):	J van den Bok, R Lotznicher		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the redevelopment of Smith's Lake Reserve;*
- (ii) *ADOPTS the Smith's Lake Reserve Redevelopment plan as outlined on attached Plan No. 2346-CP-2B;*
- (iii) *APPROVES the initial stage of the works to be implemented in the 2005/06 financial year;*
- (iv) *LISTS an amount of \$165,000 for consideration in the 2006/07 draft budget to complete the Wetland/Heritage Trail link through Smith's Lake Reserve; and*
- (v) *EXPRESSES its appreciation to all respondents for their input in the development of the plan.*

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

- “(ii) *ADOPTS the Smith's Lake Reserve Redevelopment plan as outlined on attached Plan No. 2346-CP-2B subject to the path along Farr Avenue being moved away from the kerbline;*”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

Debate ensued.\

MOTION AS AMENDED CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the report in relation to the redevelopment of Smith's Lake Reserve;*
 - (ii) *ADOPTS the Smith's Lake Reserve Redevelopment plan as outlined on attached Plan No. 2346-CP-2B subject to the path along Farr Avenue being moved away from the kerbline;*
 - (iii) *APPROVES the initial stage of the works to be implemented in the 2005/06 financial year;*
 - (iv) *LISTS an amount of \$165,000 for consideration in the 2006/07 draft budget to complete the Wetland/Heritage Trail link through Smith's Lake Reserve; and*
 - (v) *EXPRESSES its appreciation to all respondents for their input in the development of the plan.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the results of the community consultation, outline the program and costing to complete the Wetlands/Heritage Trail link, and seek approval to implement the works as outlined on the attached plan.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 August 2005 a report regarding the revised redevelopment proposal for Smith's Lake Reserve was presented, where it was resolved:

"That the Council;

- (i) *RECEIVES the report on the Revised Concept Plan for the Proposed Smith's Lake Reserve Redevelopment;*
- (ii) *APPROVES IN PRINCIPLE the revised proposal as outlined on concept plan No. 2346-CP-2A;*
- (iii) *NOTES that \$45,000 has been allocated in the 2005/2006 financial year to extend the restoration works around the southern end of the existing Smith's Lake water body with the aim to improve water quality within catchment and provide a more natural wildlife habitat;*
- (iv) *ADVERTISES the revised plan for a period of 21 days seeking submissions and receives a further report at the conclusion of the consultation period; and*
- (v) *REQUESTS a report on the programme and costs of completing the Smith's Lake redevelopment including the Wetlands Heritage Trail (Greenway) link including recommended sums for consideration in future draft budgets."*

Subsequently, in accordance with the Council's decision, the revised redevelopment concept plan was advertised as follows:

- Town of Vincent website
- Administration & Civic Centre
- Precinct and Community Groups
- Surrounding residents bounded by Charles Street, Albert Street, Farr Avenue and Loftus street.
- Water Corporation

DETAILS:

Community Consultation

As mentioned above, the Smith's Lake revised redevelopment plan was widely advertised, with concept plans being sent out to all precinct groups, community groups and service authorities for comment. In addition, 479 letters/plans were distributed around the immediate area giving owner/occupiers the opportunity to comment.

At the close of the consultation period, forty three (43) submissions were received. Nineteen (19) submissions were in favour of the proposal and provided "no comment", twenty three (23) submissions were in favour of the proposal and provided comments, with only one (1) submission totally against the proposal.

Comments received were as follows:-

In Favour of the proposed Redevelopment of Smith's Lake Reserve

- When will pavilion be demolished, it is at least 18 months overdue
- Path not necessary right around lake; extension of lake would enhance area; viewing platform, barbeque and bridge are fine as long as extra parking is made available.
- Looks really good, however concerned about height of trees and bushes around the lake; path right around lake is great; please include dog bags and bins.
- Can we have one speed hump along Bourke Street? (*in progress*)
- Lake is highly prized; weather resistant seating would be an asset.
- Agree with proposal, will there be disabled access; when pavilion is demolished native trees and shrubs should be planted.
- Welcome the improvement, a barbeque on the artwork side would be good.
- Support the proposal, particularly the revegetation works; more car bays so visitors can use the park; not clear what landscaping is proposed for the Len Fletcher site.
- Happy with plans, look forward to the future improvements. Well done and thank you.
- Plans look superb. I am so impressed with the Town of Vincent, they show pride in the area and make improvements that preserve areas for future generations.
- Good concept except for two (2) items, do not want barbeque and would like the path a little further back from the lake to minimise interference with wildlife.
- Move the barbeque east; No tree removals; review seated areas.
- Concur with proposal except for proposed barbeque site and lack of toilet facilities.
- Town's proposal will enhance the area; concerns regarding "hoons" tearing through the grassed areas; bollards around the park may alleviate this problem; lighting should be turned off at 11pm so that it doesn't disturb nearby residents; very strong objection to providing a barbeque at the park. Look forward to its completion without the barbeque.
- Crossing at Swimming Lane over to Beatty Park is hazardous to pedestrians; access to private garage should be considered and thought out. Please advise.

- Strongly oppose the pathway adjacent to 13 Emmerson Street, this will attract unsavoury behaviour and rubbish, will be expensive to maintain, prefer the verge to be grassed and left clear; substantial traffic calming should be constructed in Emmerson Street; relocate pedestrian crossing to join current footpath on Farr Avenue. For two years have requested a vehicle crossover to garage and nothing has been done, again request the Town to remove barrier kerb and allow a crossover into our garage.
- Support the proposal using local native indigenous species; remove non – Australian plants over time, non local plants should be retained. Maintain sightlines from Toorak Rise down to lake including the open turfed area to the west of the inlet. Proposed garden beds with native shrubs are an excellent feature. Flagpoles should be retained when pavilion is demolished; Understand that the local community may wish for additional facilities, however any facilities installed should not impact negatively on water quality and habitat.
- Plantings should be of local species; sedges should be planted around lake using appropriate clumping species; retain openness and choose lower species closer to outlet; small inlet to be opened up and provision of bridge; plant more variety including Swamp Banksia; remove/transplant exotic trees; make pedestrian crossings safe.
- Endorse the proposal; installation of barbeque is not budgeted and merits of this installation are divided; screened inlet to the drain on south-east corner blocks up quickly which increases flooding, discussion with Water Corporation required to overcome this problem. Smith's Lake is too small to function as a compensation basin. Endorse the proposal to invite volunteers to assist with plantings.

Officers Comments

- Plantings:
Generally all the above comments in relation to use of local native species, removal/transplanting of non- local species, use of clumping sedges along the lake edges and leaving open grassland areas with a clear view through to the lake from Toorak Rise have all been taken into account.
- Pathways:
As indicated within the report, the pathways will not be constructed during this financial year and their installation in the 2006/07 financial year will be subject to Council approving of the funding. Their locations are not likely to alter drastically to what has been shown on the attached plan unless, after setting out, services or topography restrict the final layout. There will however be further consultation with the owners of 13 Emmerson Street regarding the proposed path adjacent to their property.
- Barbeque:
This has not been budgeted for in the proposed redevelopment and given the numerous strong responses received against its installation; this item should not be considered.
- Lighting:
Again this item will not be included during this financial year and installation in the 2006/07 financial year will be subject to Council approving of the funding. Generally park lighting is controlled by Photoelectric cells (P.E. Cells) as time clocks have to be continually adjusted. When the lighting is installed we will monitor the situation and, if nearby residents are affected, a time clock will be installed.
- Fencing:
Damage from vehicles entering the park has been minimal and it is not proposed to fence the park at this point in time. This will be monitored once the project has been completed.
- Len Fletcher Pavilion:
The flagpoles will be retained when the pavilion is demolished. The timing is dependent on the outcome of the Loftus Community Centre (State Indoor Centre) redevelopment.

- **Road Crossings:**
The plan has been amended to locate the dual use pathway (DUP) further away from the property, adjacent to the existing kerb line. The area of verge will be maintained by the Town. Also, the entrance to the rear car park will be modified to facilitate the crossing of the DUP, improve drainage flow and allow for a crossover to be installed.
- **Water Corporation outlets/inlets:**
Upon completion of the project, a meeting will be arranged with the Water Corporation, Community Groups and relevant staff to discuss options for more regular cleaning of the grates to reduce the potential for local flooding.

Against the proposed Redevelopment of Smith's Lake Reserve

- It is not clear what is actually proposed at this time; opposed to any work until consultation process has been completed and past commitments by Council have been met. We are fed up with empty promises and lack of notice to residents

Officer's Comments

- **Proposed Works:**

No works will commence until after the community consultation process and the project has been approved by the Council. A letter drop will then be undertaken advising residents when works will commence and a likely completion date.

In view of the overwhelming positive response to the redevelopment of Smith's Lake and subject to the Council's approval, works should commence on site in December 2005 once the community has been advised.

CONSULTATION/ADVERTISING:

The revised concept plan was advertised initially for twenty one (21) days in accordance with the Council's resolution and then extended to allow Community groups to respond following their respective monthly meetings.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"f) Ensure the current and future efficient and effective use of the Town's parks, reserves and facilities and continue to design and implement infrastructure improvements for public open space. Develop Greenway to link together parks with ecology, arts, recreation and culture" and "g) Work with Stakeholders to develop strategies for improved drainage, stormwater conveyance and improved water quality."*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$45,000 has been included in the 2005/06 Capital Works to undertake the first part of the project which excludes the installation of paths and lighting. The program of works and costs associated with implementing the works are as follows:-

<u>Item</u>	<u>Time of Works</u>	<u>Cost</u>
• Drainage (create open channel)	December 2005	\$15,000
• Earthworks (battering of lake surrounds)	December 2005	\$ 9,300
• Garden Kerbing (supply & installation)	December 2005	\$ 3,120
• Planting (Sedges & Reeds)	January 2006	\$ 4,000
• Reticulation (amend existing)	January 2006	\$ 3,000
• Park Furniture (supply & installation)	March 2006	\$ 2,400
• Timber Bridge (supply & installation)	March 2006	\$ 5,000
• Planting (Fringing Vegetation)	May 2006	<u>\$ 3,000</u>
	Total Cost:	\$44,820

An additional \$165,000 is required to complete the project in 2006/07. This work will consist of the installation of a 2.5 metre red asphalt path with flush beam kerbs as indicated on the attached plan.

In addition, "Urbi" lights will be installed at 25 metre centres along the path network, similar to what has previously been installed along other sections of the Wetlands/Heritage Trail.

The proposed program of works and costs associated with implementing the above works are as follows:-

<u>Item</u>	<u>Time of Works</u>	<u>Cost</u>
• Red Asphalt Path (supply & installation)	August 2006	\$ 84,000
• Urbi Lighting (supply & installation)	September 2006	\$ 60,000
• Electrical (Connection & commissioning)	September 2006	\$ 15,000
• Clean up & top dressing	September 2006	<u>\$ 6,000</u>
	Total Cost	\$165,000

COMMENTS:

As indicated in the report presented to the Council regarding this project on 9 August 2005, it is considered prudent that the Smith's Lake Reserve Redevelopment Plan be finalised and the works implemented, as prospective purchasers of the adjoining lots will need some surety regarding the future of the adjoining Reserve and the Len Fletcher Pavilion.

It is therefore recommended that the Council approves the implementation of the works as outlined on the attached plan and lists for consideration an amount of \$165,000 in the draft 2006/07 budget for consideration to complete the Wetlands/Heritage Trail link through Smith's Lake Reserve.

10.2.4 Proposed Improvements Brookman Street, Moir Street, Robinson Avenue and Forbes Road, Perth

Ward:	South	Date:	2 November 2005
Precinct:	Hyde Park P12	File Ref:	TES0484, TES0069 TES0006, TES0311
Attachments:	001;		
Reporting Officer(s):	R Lotznicher, J van den Bok		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed improvements Brookman Street, Moir Street, Robinson Avenue and Forbes Road, Perth;*
- (ii) *APPROVES IN PRINCIPLE the upgrade proposals as outlined on the attached Plans Nos 2362-CP-2 and 2362-CP-3;*
- (iii) *CONSULTS with the Heritage Council of Western Australia and residents and businesses in Brookman Street, Moir Street, Robinson Avenue (between Lake Street and William Street), and Forbes Road giving them 14 days to provide comments on the proposal; and*
- (iv) *RECEIVES a further report at the conclusion of the consultation period.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Lake, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Maier

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

“(v) plans for Forbes Road in its role in the “Wetlands Interpretative Trail” be developed in conjunction with the Wetland Interpretative Trail Working Group.”

AMENDMENT CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That the Item be DEFERRED to allow further investigation and report.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present a draft concept plan for the Council's 'in principle' approval for improvement works at Brookman Street, Moir Street, Robinson Avenue and Forbes Road, prior to consulting with the community

BACKGROUND:

The Council has allocated funds in the 2005/2006 budget for various improvement works in Brookman Street, Moir Street, Robinson Avenue, and Forbes Road in Perth. Both Brookman and Moir Streets are located in a low lying area and are constructed on an impervious subgrade.

The former City of Perth, while reconstructing both roads in the 1980s, encountered problems and subsequently the roads were reconstructed using interlocking pavers in lieu of the standard basecourse/asphalt construction. Forbes Road and Robinson Avenue are both 'sealed' roads (basecourse/Asphalt).

DETAILS:

The proposed improvement works are outlined on attached Plans Nos 2362-CP-2 and 2362-CP-3 and a brief description of the works is outlined below:

Brookman Street

This street comprises a 'one way' street north to south. It is approximately 170m long, 6.8m wide with two 1.6m wide footpaths constructed in red asphalt. As mentioned above, the road carriageway is constructed in interlocking pavers.

Given the impervious nature of the subgrade (comprising a mixture of peat/sand) differential settlement has occurred, resulting in an undulating road surface and loose and dislodged pavers in some sections. The road holds water during even minor storm events and requires to be reconstructed.

Proposal

The upgrading works will comprise of the following:

- Removal and replacement of kerbing
- Removal of the existing asphalt paths and replacement with insitu concrete*
- Removal of the existing 'interlocking pavers' and regrading and recompacting the base
- Relaying the interlocking pavers
- Providing better delineation of the one way road system by carrying out minor modifications at the intersections
- Planting of trees

Note*: Moir Street, which is similar to Brookman Street, has concrete footpaths in lieu of asphalt footpaths. These have acted as rigid beams which have restrained the interlocking pavers, resulting in Moir Street being less deformed than Brookman Street.

Robinson Avenue (William Street to Lake Street)

This street comprises a 'two way' street running east west. It is approximately 260m long, 6.8m wide with two 1.6m wide footpaths constructed in insitu concrete. The road was resurfaced in the late 1990s and the footpaths are in good condition (cast insitu concrete).

Proposal

It is proposed that appropriate trees be strategically placed in the roadway (similar to the Hope Street treatment).

Note: The intersection of Robinson Avenue and William Street will be modified as part of the William Street upgrade works. This design has not yet been finalised.

Forbes Road (Lake Street to Wellman Street)

This street comprises a 'two way' street running east west. It is approximately 250m long, and varies in width from 6.2m to 9.0. A 1.6m wide concrete footpath is located on the north side and a concrete/slab path is located on the south side to Forbes lane.

Proposal

The upgrading works will comprise of the following:

- Resurfacing of the road with a 7 mm SMA mix.
- Upgrading the slab footpaths
- Minor kerbing works
- Planting of trees (on the verge) and rekerbing (with a barrier kerb) on the south side of the street between Wellman Street and Forbes lane (to deter verge parking)
- Delineate the 'on road parking on the south side of the street between Wellman Street and Forbes lane
- Plant additional trees on the north side of the street between Wellman Street and Forbes lane
- Improve parking line marking and signage in the vicinity of Brookman Street and Moir Street.

Moir Street

This street comprises a 'one way' street south to north. It is approximately 140m long, 6.8m wide with two 1.6m wide footpaths constructed in insitu concrete. As with Brookman Street the road carriageway is constructed in interlocking pavers.

While some differential settlement has occurred in this street due to the existence of the concrete footpaths (as mentioned above) these have acted as rigid beams which have restrained the interlocking pavers resulting in the Street being less deformed than Brookman Street.

Proposal

It is proposed that appropriate trees be strategically placed in the road way (similar to the Hope Street treatment).

Note: No funds have been allocated in the 2005/2006 financial year for reconstruction works on Moir Street.

Proposed Tree Species

It is proposed to consult with owner/occupiers in relation to the species to be planted in each respective street. A choice of native and exotic trees that will tolerate the local soil conditions in these areas will be provided and owner/occupiers requested to submit their preferred option as recently completed in Wade Street.

Species likely to be offered and readily sourced from local nursery suppliers will include. *Melaleuca linarifolia* (Snow in Summer), *Melaleuca quinquinervia* (Broad Leafed Paperbark), *Eucalyptus leucoxlyn rosea* (Yellow Gum).and *Lagerstromia indica* (Crepe Myrtle).

CONSULTATION/ADVERTISING:

Residents and businesses will be consulted regarding the proposal and requested to provide comments.

LEGAL/POLICY

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

A total of \$142,000 has been allocated in the 2005/2006 budget to implement the improvements as detailed above. The works have been scheduled for November / December 2005.

COMMENTS:

Residents in this area have been requesting improvements for some time. While the undergrounding of power in this area would be desirable (as requested by numerous residents) this is beyond the scope of this project and would only be implemented as part of a future State Underground Power Program Project.

It is therefore recommended that the Council approves in principle the upgrade proposals as outlined on the attached Plans Nos 2362-CP-2 and 2362-CP-3, consults with the residents and businesses in Brookman Street, Moir Street, Robinson Avenue (between Lake Street and William Street), and Forbes Road, giving them 14 days to provide comments on the proposal and receives a further report at the conclusion of the consultation period.

10.4.2 Delegations for the Period 1 July 2005 to 30 September 2005

Ward:	Both	Date:	1 November 2005
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland		
Checked/Endorsed by:	R Boardman; John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 July 2005 to 30 September 2005 as shown in Appendix 10.4.2; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$36,020.00 for the reasons as detailed below.*

<i>Description</i>	<i>Amount</i>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$925.00</i>
<i>Bush Fires Act</i>	<i>\$250.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$900.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$970.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$11,855.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$2,840.00</i>
<i>Litter Act</i>	<i>\$225.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$5,185.00</i>
<i>Penalties Modified</i>	<i>\$2,395.00</i>
<i>Pound Fees Modified</i>	<i>\$110.00</i>
<i>Ranger/Clerical Error</i>	<i>\$5,520.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$845.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$4,000.00</i>
<i>TOTAL</i>	<i>\$36,020.00</i>

COUNCIL DECISION ITEM 10.4.2

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY(7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's administration for the period 1 July to 30 September 2005 and to obtain the Council's approval to write-off enforcement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer and Executive Managers exercise the delegated authority in accordance with the Council's policies.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.2. Quarterly reports are reported to the Council.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Manager Ranger Services and Community Safety that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice. The details of the infringement notices are as follows:

Description	Amount
Breakdown/Stolen (Proof Produced)	\$925.00
Bush Fires Act	\$250.00
Details Unknown/Vehicle Mismatched	\$900.00
Equipment Faulty (Confirmed by Technicians)	\$970.00
Failure to Display Resident or Visitor Permit	\$11,855.00
Interstate or Overseas Driver	\$2,840.00
Litter Act	\$225.00

Other (Financial Hardship, Disability, Police On-duty, Etc)	\$5,185.00
Penalties Modified	\$2,395.00
Pound Fees Modified	\$110.00
Ranger/Clerical Error	\$5,520.00
Signage Incorrect or Insufficient	\$845.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$4,000.00
TOTAL	\$36,020.00

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

10.4.4 Annual General Meeting of Electors 2004 and Adoption of Annual Report 2004/2005

Ward:	Both	Date:	1 November 2005
Precinct:	All	File Ref:	ADM0009
Attachments:	001 ; 002		
Reporting Officer(s):	R Boardman		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the 2005 Annual General Meeting of Electors be held in the Administration and Civic Centre on Monday, 12 December 2005, commencing at 6.00pm; and*
- (ii) *the draft 2004-2005 Annual Report, as "Laid on the Table" and circulated separately to Elected Members, the Chief Executive Officer and Executive Managers, be accepted by the Council.*

Moved Cr Ker, Seconded Cr Maier

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

- “(ii) the draft 2004-2005 Annual Report, as "Laid on the Table" and circulated separately to Elected Members, the Chief Executive Officer and Executive Managers, be accepted by the Council subject to the changes listed in Appendix 10.4.2A.”*

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

COUNCIL DECISION ITEM 10.4.4

That;

- (i) *the 2005 Annual General Meeting of Electors be held in the Administration and Civic Centre on Monday, 12 December 2005, commencing at 6.00pm; and*
- (ii) *the draft 2004-2005 Annual Report, as "Laid on the Table" and circulated separately to Elected Members, the Chief Executive Officer and Executive Managers, be accepted by the Council subject to the changes listed in Appendix 10.4.2A.*

PURPOSE OF REPORT:

The purpose of the report is to set a date for the Annual General Meeting of Electors and to receive the Draft 2004-2005 Annual Report.

BACKGROUND:

The Local Government Act 1995 under Section 5.27(1) requires every local government to hold a General Meeting of Electors once each financial year. The Act provides that the Order of Business at such a meeting is:

- (a) Welcome, Introduction and Apologies;
- (b) Contents of the Annual Report for 2003-2004; and
- (c) General Business.

LEGAL:

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December of that financial year.

DETAILS:

As the Audit Report for 2004/2005 is finalised, it is now possible to finalise the Annual Report of the Town for that year for presentation to Electors. There are a number of statutory requirements to be met prior to the General Meeting, including formal adoption of the Annual Financial Statements by the Council and local advertising of the Meeting at least 14 days prior to the Meeting.

It is recommended that the Meeting be scheduled for Monday 12 December 2005, commencing at 6.00pm.

10.4.5 Information Bulletin

Ward:	-	Date:	1 November 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 8 November 2005 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 8 November 2005 are as follows:

ITEM	DESCRIPTION
IB01	Seven Three Storey Grouped Dwellings, Lot 27 & 28 Joel Terrace Mount Lawley WA 6050 – Letter from Swan River Trust.
IB02	Demolition of No. 28 Joel Terrace, East Perth – Letter from Western Power.
IB03	No. 103A (Lot 94, Strata Lot 2) Grosvenor Road, Mount Lawley – State Administrative Tribunal Matter No. DR 471 of 2005
IB04	No. 226 (Lot 1) Oxford Street corner Richmond Street, Leederville – Proposed Alterations and Additions to Existing Shops – Matter No. CC 3208 of 2005
IB05	No. 36 (Lot 500) Paddington Street, North Perth – Proposed Additions, Alterations and Additional Two-Storey Grouped Dwelling to Existing Single House – State Administrative Tribunal (SAT) Directions Hearing – Matter No. 536 of 2005).
IB06	Letter of Appreciation from Maylands Ratepayers & Residents Association re: Dual-Use Pathway – Banks Reserve to Bardon Park
IB07	Register of Petitions - Progress Report - November 2005
IB08	Register of Notices of Motion - Progress Report - November 2005

ITEM	DESCRIPTION
IB09	Register of Reports to be Actioned - Progress Report - November 2005
IB10	Register of Legal Action
IB11	Register of State Administrative Tribunal Appeals
IB12	Forum Notes - 18 October 2005
IB13	Notice of Forum - 15 November 2005

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nomination – Vacancy for Local Government Member - Waste Management Board - Elected Member (1)

Ward:	-	Date:	1 November 2005
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That _____ be nominated as WALGA Member - Waste Management Board (Elected Member (1)).

COUNCIL DECISION ITEM 12.1

Moved Cr Lake, Seconded Cr Ker

That nil nominations be made.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

BACKGROUND:

Please see Appendix 12.1 for details.

NOMINATIONS CLOSE 4PM FRIDAY 9 DECEMBER 2005.

13. URGENT BUSINESS

Refer to Page 92

The Presiding Member advised that Cr Chester had declared a proximity interest in this Item. Cr Chester departed the Chamber at 9.20pm and did not speak or vote on the matter.

14. CONFIDENTIAL REPORTS (*behind closed doors*)

At 9.20pm Moved Cr Ker, Seconded Cr Lake

That the meeting proceed "behind closed doors" to consider the confidential Items 14.1 and 14.2 as they contain legal advice and/or commercially sensitive information.

CARRIED (6-0)

(Mayor Catania was an apology. Cr Torre on leave of absence. Cr Chester was absent from the Chamber and did not vote.)

14.1 CONFIDENTIAL REPORT - No. 105 (Lots 81-83, Strata Lot 2, STR: 39521) Chelmsford Road Mount Lawley - Two-Storey Single House (with Basement)

Ward:	South	Date:	1 November 2005
Precinct:	Norfolk; P10	File Ref:	PRO2425; 5.2004.2636
Attachments:	-		
Reporting Officer(s):	K Loader		
Checked/Endorsed by:	D Abel	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 SUPPORTS as part of the State Administrative Tribunal Review Matter No. RD 430 of 2005, the proposed Two-Storey Single House (with Basement), at No. 105 (Lots 81-83, Strata Lot 2 STR: 39521) Chelmsford Road, Mount Lawley, and as shown on amended plans stamp-dated 24 October 2005, subject to:*

(a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

(b) *any new street/front wall, fence and gate between the Chelmsford Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*

(1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

(2) *decorative capping on top of posts and piers may extend the total height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (c) *subject to first obtaining the consent of the owners of No. 105 Chelmsford Road (Lot(s) 81 - 83 Strata Lot 1) for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 105 Chelmsford Road (Lot(s) 81 - 83 Strata Lot 1) in a good and clean condition; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

COUNCIL DECISION ITEM 14.1

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

CARRIED (6-0)

(Mayor Catania was an apology. Cr Torre on leave of absence. Cr Chester was absent from the Chamber and did not vote.)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

Landowner:	G A LaFalce
Applicant:	Martin Parkinson - Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	232 square metres
Access to Right of Way	N/A

BACKGROUND:

22 March 2005

Application for proposed two storey single house (with basement) refused at Ordinary Meeting of Council.

- 27 April 2005 Application lodged with State Administrative Tribunal to review Council's decision.
- 15 June 2005 State Administrative Tribunal directions hearing held.
- 9 August 2005 Confidential report - revised plans for proposed two storey single house (with basement) not supported at Ordinary Meeting of Council.
- 7 September 2005 State Administrative Tribunal directions hearing held.
- 7 October 2005 State Administrative Tribunal mediation held and attended by Councillor Sally Lake and Town's Officers.

DETAILS:

The applicant has submitted further amended plans following State Administrative Tribunal mediation that have significantly addressed Council's prior reasons for refusal. The applicant seeks to obtain Council approval for the construction of a new two storey single house (with basement) including a single garage, dining room, living room, kitchen and laundry on the ground floor and three bedrooms, bathroom, en-suite and store on the upper level. The building is designed to maximise solar efficiency, with the main living areas and windows having northern exposure.

The amendments are summarised in the following table:

Requirements	Previously Refused Plans – 09/08/2005 OMC	Revised Plans – 24/10/2005
Setbacks: Upper Floor - South Bath, Store, En-suite West Bathroom, Bedroom 2 North/Front Master Bedroom	1.5 metres 1.2 metres 6.0 metres	Setbacks now comply: 1.6 metres - 7.31 metres 1.2 metres 6.0 metres
Privacy Setback: Upper Floor - West Bedroom 2 North Master Bedroom	2.5 metres 2.9 metres	Privacy setbacks now comply: Window has been deleted to remove privacy encroachment. Window has opaque glazing to remove privacy encroachment.
Outdoor Living Area	Primary courtyard located partially within the front setback area as rear courtyard has insufficient dimensions to be considered as outdoor living area.	Due to size constraints of site rear courtyard does not comply. Therefore front courtyard is considered as outdoor living area. Measures have been taken to improve effectiveness which are outlined in applicant's submission. Supported - as it complies with performance criteria of Residential Design Codes (R-Codes) in that it is accessible from a habitable room and is open to winter sun.

Streetscape and Amenity of Area	Local Character Policy 3.2.1 – Council considered design unsuitable for streetscape in terms of scale and bulk.	Two storey development necessary due to small size of subject site. New lower external walls and pitched roof introduced to reduce scale and bulk.
Towns Policy relating to Norfolk Precinct/Alma Locality	Council viewed that proposal did not comply with intent and objective of Locality Statement.	Significant changes to the design to comply with Alma Locality – pitched roof, sympathetic building materials, eaves and reduced wall height.
Consultation Submissions		
No consultation was required as this matter relates to a review by SAT of the Planning Refusal for proposed two storey single house (with basement) and involves no greater variations to the development requirements which was previously advertised, and is being referred to Council for determination.		
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

A floor plan and elevation plan indicating the comparison between the previously refused plans and those currently proposed are attached for Council's consideration (circled area indicates where the proposed amendments are located). In support of the application, the applicant has lodged a written submission. The applicant's submission is provided on a confidential basis, provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

COMMENTS:

The revised proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

14.2 CONFIDENTIAL REPORT - No. 106 (Lot 5 D/P: 953) Richmond Street, Leederville - Proposed Loft Additions to Existing Two Grouped Dwellings

Ward:	South	Date:	1 November 2005
Precinct:	Leederville; P3	File Ref:	PRO1318; 5.2005.2898.1
Attachments:	-		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel	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 SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 564 of 2005, the proposed Loft Additions to Existing Two Grouped Dwellings at No. 106 (Lot 5 D/P: 953) Richmond Street, Leederville, and as shown on plans stamp-dated 1 June 2005 and 17 October 2005 , subject to:*

(a) *any new street/front wall, fence and gate between the Richmond Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*

- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

(b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*

(c) *the subject loft additions shall not be used for sleeping or habitable purposes; and*

- (ii) *the Council AUTHORISES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

COUNCIL DECISION ITEM 14.2

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Cr Chester returned to the Chamber at 9.23pm.

Debate ensued.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

At 9.25pm **Moved Cr Lake, Seconded Cr Ker**

That an "open" meeting be resumed.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

Landowner:	LTW Smith and C Coufos
Applicant:	LTW Smith
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	329 square metres
Access to Right of Way	East side: Haley Ave., 10 metres wide, sealed, public road. North side: Ragen Alley, 10 metres wide, unsealed, privately owned.

BACKGROUND:

27 March 2001

The Council at its Ordinary Meeting held on 27 March 2001 approved the application for two, three storey grouped dwellings that exist on the site. It is noted that condition (ix) of the approval stated:

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

(a) a plot ratio no greater than 0.75; and

(b) the deletion of the third storey/loft, including associated walls;"

- 26 July 2005 The Council at its Ordinary Meeting resolved to refuse an application for proposed loft additions to existing two grouped dwellings for the following reasons:
1. *Intensification of development on the site by extra floor area.*
 2. *Excessive bulk and scale.*
 3. *Excessive plot ratio.*
 4. *Council's previous decision to limit the bulk, scale and plot ratio of the development.*
 5. *Consideration of objections received."*
- 1 June 2005 Application lodged with the State Administrative Tribunal to review Council's decision of 26 July 2005.
- 12 October 2005 State Administrative Tribunal (SAT) directions hearing held. Order 2 of the SAT hearing states as follows:
- "Pursuant to s 31 of the State Administrative Tribunal Act 2004, the Tribunal invites the decision-maker to reconsider its reviewable decision in light of the discussions held during the directions hearing of 12 October 2005 and the additional information provided by the applicant."*
- 14 November 2005 Matter has been listed for further directions hearing.

DETAILS:

The proposal involves the incorporation of a loft within each of the existing upper level roof areas of the two dwellings. The lofts overlook the laneway and the rear of commercial buildings to the east of the subject site.

The applicant has submitted additional information and plans stamp dated 17 October 2005 demonstrating the outline of the third storey that was deleted from the plans stamp dated 5 December 2000 in accordance with condition (x) of the conditional approval granted by Council at its Ordinary Meeting held on 27 March 2001.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65 - 214 square metres	0.98 - 324 square metres	Supported - the Town's Officer consider that the additional floorspace will not increase the bulk of the building or unduly affect the amenity of neighbours. This is demonstrated by plans submitted by the applicant stamp-dated 17 October 2005.

Setback: Loft windows	4.0 metres	2.7 metres	Supported - overlooks laneway and rear of commercial properties.
Consultation Submissions			
No consultation was required as this matter relates to a review by SAT of the Planning Refusal for proposed loft additions to existing two grouped dwellings, and involves no greater variations to the development application which was previously advertised, and is being referred to Council for determination.			
Other Implications			
Legal/Policy		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 proposal is considered supportable, subject to standard and appropriate conditions as contained in the Officer Recommendation.

At 9.25pm **Moved Cr Lake, Seconded Cr Ker**

That an "open" meeting be resumed.

CARRIED (7-0)

(Mayor Catania was an apology. Cr Torre on leave of absence.)

15. CLOSURE

The Presiding Member, Deputy Mayor – Cr Steed Farrell, declared the meeting closed at 9.26pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Des Abel	Acting Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 8 November 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005