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(10 OCTOBER 2006)

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 10 October 2006, commencing at 6.00pm.

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	
Cr Maddalena Torre	South Ward
Rick Lotznicker	Executive Manager, Technical Services

(b) Present:

Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Anthony Denford	Planning Officer - Employee of the Month Recipient (until 6.12pm)
Lindsay McPhee	Journalist - Guardian Express (until 7.32pm)
Brendan Foster	Journalist - Perth Voice (until 7.32pm)
3 Members of the Public	

(c) Members on Leave of Absence:

Nil.

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

1. Ms Kay Chedid of 2 Brookman Street, Perth - Item 10.1.2 - Advised that the Karaoke Bar backs on to the houses in Brookman Street and that the residents of this street had not been advised or consulted. Requested that Council defer the item so that residents can be given the opportunity to comment on the proposed change of use.

There being no further questions from the public, the Presiding Member, Deputy Mayor - Cr Steed Farrell closed Public Question Time at 6.07pm.

(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

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Messina, Seconded Cr Doran-Wu

That the Minutes of the Ordinary Meeting of Council held on 26 September 2006 be confirmed as a true and correct record.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 The Presiding Member welcomed The Perth Voice Journalist - Brendan Foster to the meeting.

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

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

For OCTOBER 2006, the award is presented to Anthony Denford, Planning Officer (Strategic) as a result of a nomination received from Amanda Connell, resident of Pennant Street, North Perth, who wrote in as follows;

"I am writing to you regarding the performance of one of your staff members - Anthony Denford. I have liaised with Anthony on a couple of occasions in recent weeks resulting from a letter I had written to Council in relation to new developments being in sync with the established character and streetscape of the area.

I dealt with Anthony when following up my original emailed letter that had gone astray and subsequently after I had received a formal reply from the Council - on both occasions Anthony displayed good initiative and customer service skills when he took responsibility to follow through on the missing letter - and showed great patience with a potentially disgruntled ratepayer.

Anthony also displayed those high level skills following my receipt of the formal council reply which was couched in somewhat "technical town planning jargon" that perhaps didn't clearly articulate answers to the specific points I raised in my letter. He asked what I wanted to occur to resolve my issues and offered to visit our home to enable the explanation to be given to my husband as well - this was a very good offer of service provision to resolve the issue, however this was not necessary due to the time he took and the clarity with which he went through the details of the council reply.

Many people are quick to complain these days but I feel we also should praise more often than we do and recognize good service when it is provided - and that is exactly what Anthony provided on this occasion.

Our thanks to him for a job well done and while not agreeing on all issues, he has successfully resolved my current concerns."

The nomination was further endorsed by the Executive Manager Environmental & Development Services, Mr Rob Boardman, who commended Anthony's professional approach to all his work and reaffirmed that the letter received by the Town was indicative of Anthony's work ethic.

Congratulations Anthony and well done!!

8. DECLARATION OF INTERESTS

- 8.1 Cr Messina declared a proximity interest in Item 10.2.1 - Further Report - Proposed Traffic Calming Measures and Streetscape Enhancements - Fairfield Street between Scarborough Beach Road and Woodstock Street, Mt Hawthorn. The nature of his interest being that he has a franchise business in close proximity to the proposed works.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Item 10.1.2

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

Item 10.2.3

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 10.1.4, 10.1.8 and 10.1.10
Cr Ker	Items 10.1.6, 10.1.7 and 10.4.3
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Messina	Nil.
Cr Maier	Items 10.1.1 and 10.2.1

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:**

Item 10.2.1

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

Items 10.1.3, 10.1.5, 10.1.9, 10.2.2, 10.3.1, 10.4.1 and 10.4.2

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

Item 14.1

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

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

Items 10.1.3, 10.1.5, 10.1.9, 10.2.2, 10.3.1, 10.4.1 and 10.4.2

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

Item 10.1.2

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

Cr Messina departed the Chamber at 6.15pm.

Moved Cr Chester, Seconded Cr Maier

That the following unopposed items be moved en bloc;

Items 10.1.3, 10.1.5, 10.1.9, 10.2.2, 10.3.1, 10.4.1 and 10.4.2

CARRIED (6-0)

(Mayor Catania and Cr Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

10.1.3 No. 6 (Lot 39 D/P: 4576) Moir Street, Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Single House (Application for Retrospective Approval)

Ward:	South	Date:	29 September 2006
Precinct:	Hyde Park; P12	File Ref:	PRO3610; 5.2006.280.1
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 APPROVES the application submitted by X Zhou on behalf of the owner X Gao and X Zhou for proposed Partial Demolition of and Alterations and Additions to Existing Single House (Application for Retrospective Approval), at No. 6 (Lot 39 D/P: 4576) Moir Street, Perth, and as shown on plans stamped 8 June 2006, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*
- (ii) *any new street/front wall, fence and gate between the Moir Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the Town's Policy - Appendix No. 6 Brookman and Moir Streets Development Guidelines; and*
- (iii) *first obtaining the consent of the owners of No. 8 Moir Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 8 Moir Street in a good and clean condition.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Mayor Catania and Cr Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

Landowner:	X Gao & X Zhou
Applicant:	X Zhou
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R25
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	301 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The application for retrospective approval involves partial demolition of and alterations and additions to existing single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Boundary Walls	2.7 metre average height, 3.0 metre maximum height, up to 9 metres in length to one side only	3.2 metre average, 3.7 metre maximum, 24.5 metres in total length (existing section of house wall is 14.2 metres)	Supported - not considered to have an undue impact on affected neighbour and affected neighbour has stated no objection provided the subject wall is rendered or finished.
Open Space	50 per cent (or 150 square metres)	43.8 per cent (or 131.5 square metres)	Supported - <ul style="list-style-type: none"> • Complies with the performance criteria of the Residential Design Codes (R Codes); • Complies with the Town's Brookman and Moir Streets Development Guidelines' section 19 - Open Space, as development provides an adequate outdoor living area. •

Consultation Submissions		
Support (1)	<ul style="list-style-type: none"> No objection provided the walls be appropriately rendered or otherwise finished properly. 	Noted - addressed in Officer Recommendation.
Objection	Nil	Noted
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

Heritage

The subject property is included on the Town's Municipal Heritage Inventory and is part of the Brookman and Moir Streets Heritage Precinct. This Precinct was included on the State Register of Heritage Places on 2 June 2006. In accordance with the Heritage of Western Australia Act 1990, the development proposal was referred to the Heritage Council for its consideration. The Heritage Council have advised that *"the proposed addition will not be visible from Moir Street and will not adversely impact on the presentation of the Moir and Brookman Street Precinct or its identified State heritage values."* However, the Heritage Council has requested that the Town examine certain aspects of the proposal in context with the Town's Brookman and Moir Street Development Guidelines, which were adopted by the Council on 11 May 2004. This is explored below:

The Heritage Council states:

- "a portion of the addition, comprising the proposed laundry and rear bathroom, falls outside the 'addition zone' identified in Figure 3 Principles of External Extensions. It is difficult to determine whether or not this establishes an undesirable precedent for the precinct as a whole, that may impact on heritage significance. In the context of the guidelines objectives, such a variation is probably acceptable however we recommend that the Town examine this aspect in the context of other rear additions that have previously been undertaken within the precinct."*

A review of previous development applications for places within the Brookman and Moir Streets Precinct indicates that no development has encroached in the 'addition zone' in the past. However, it is considered that the proposal effectively updates the residence to meet the needs of its 21st century occupants, while respecting the form and scale of its 19th century origins. The proposal is not visible from the public domain and retains the front five room floor plan. In addition to this, it is considered that the proposed additions and alterations have the potential to significantly improve the long term viability of the place as a residence, and enhance its potential for preservation. It is to be noted that no letters of objection regarding the extent of the proposal were received from the adjoining neighbours by the Town's Officers.

- *"the guidelines encourage the 'retention of all original timber window features and state that 'enlargement of openings.... is not permitted', however we understand that this requirement relates primarily to windows that can be viewed from the public domain... The Applicant proposes to remove an original door and window at the rear and to enlarge these openings to provide a more amenable transition between the existing Lounge and the proposed Dining area. The Town may wish to consider whether there is scope for retention of these original elements'.*

It is acknowledged that there are no specific regulations for guiding additions at the connection point between the 'Additions Zone' and the original rear brick wall in the Brookman and Moir Streets Guidelines. As the works involve no alteration to the original front five rooms of the house the proposal to remove the rear door and window is considered to have a minimal impact on the significance of the place and the way it is understood. In accordance with good conservation practise when a larger opening is required in a wall, evidence of the wall should be left to demarcate the original wall configuration, that is by retaining wall nibs and/or by making openings to door head height. The plans indicate that there is a portion of the original wall that is being retained, which illustrates the extent of the original section of the house.

The Heritage Council also queried the requirement of the Brookman and Moir Streets Guidelines for the retention of the rear water closet (W/C). The proposal, whilst retaining the W/C, involves substantial modification and its amalgamation into the main portion of the house. Many of the outside toilets within the Precinct have been demolished or subsumed into other structures. It is therefore recommended that the discretion allowed for in the Brookman and Moir Streets Development Guidelines is exercised and, in this instance, the demolition of the outside toilet conceded.

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

10.1.5 North West District Planning Committee – Relevance of the Western Australian Planning Commission District Planning Committees and Metropolitan Region Planning Committee

Ward:	Both Wards	Date:	3 October 2006
Precinct:	All Precincts	File Ref:	PLA0066
Attachments:	001		
Reporting Officer(s):	D Abel		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report relating to the North West District Planning Committee - Relevance of the Western Australian Planning Commission (WAPC) District Planning Committees and Metropolitan Planning Committee; and*
- (ii) *ADVISES the WAPC North West District Planning Committee of the following comments:*

Processes That Can Be Improved or Changed

- (a) *the District Planning Committees and the Member Councils representation should be reviewed so that the regional planning issues for discussion are more directly relevant to all Member Councils within that Committee;*
- (b) *the Metropolitan Planning Committee should have representation from the Western Australian Local Government Association so that the Association can give a broader local government view on metropolitan planning issues;*
- (c) *the Member Council hosting the District Planning Committee meeting should deliver a presentation at the meeting on a project or initiative that would be of interest to the other Member Councils;*
- (d) *the comments of Member Councils on proposed draft Western Australian Planning Commission (WAPC) Policies and other planning related State legislation should be sought at the preparation stage rather at the public consultation stage;*

New Areas for Consideration

- (e) *the most effective forum and procedures for local government to raise regional planning issues with the Western Australian Planning Commission;*
- (f) *review of planning application fees and charges, to address matters such as the real costs, CPI increases, and higher fees and charges for applications for Retrospective Planning Approval as a disincentive for unauthorised development, and the status and role of the Western Australian Local Government Association in this review;*
- (g) *the effectiveness of the State Administrative Tribunal in consideration and determination of planning review applications;*
- (h) *short stay accommodation within dwellings and associated implications;*

- (i) *environmental sustainability assessment of development and subdivision applications;*
- (j) *provision of affordable housing, and the role of the Department of Housing and Works; and*

Support for Current Processes

- (k) *the current processes are supported in principle, subject to the above improvements, changes and new areas for consideration being addressed.*
-

COUNCIL DECISION ITEM 10.1.5

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Mayor Catania and Cr Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

(Refer to page 73 for a subsequent motion relating to this matter.)

PURPOSE OF REPORT:

The purpose of this report is to provide Council with the opportunity to make formal comments to the North West District Planning Committee (NWDPC) regarding the relevance of the Western Australian Planning Commission (WAPC) District Planning Committees (DPCs) and the Metropolitan Planning Committee (MPC). Specifically, the NWDPC is seeking comments from the Council with respect to the following issues;

- Processes that can be improved or changed;
- New areas for consideration; and
- Support for current processes.

The comments of the Council will be presented to the North West District Planning Committee (NWDPC) at the next meeting scheduled for 12 October 2006 and in turn these comments will be presented to the Metropolitan Planning Committee.

DETAILS:

Background

The WAPC has created a number of regional and special purpose committees to assist with its land use planning activities across the State. The power to create a committee is provided under schedule 2 of the Planning and Development Act 2005. The WAPC sets the membership and terms of reference for these committees.

The DPCs of the Perth Metropolitan Region are created under the Act. The committees have members from local governments in the districts and provide a forum for discussion and recommendations on regional planning issues. There are five committees: north-west district, south-east district, south-west district, eastern suburbs, and western suburbs.

The NWDPC comprises Elected Members and Officers from the Town of Vincent and Cities of Stirling, Wanneroo and Joondalup. The Metropolitan Planning Committee comprises representatives of the North West, South East, South West, Eastern Suburbs and Western Suburbs District Planning Committees.

The Elected Members on the NWDPC has voting rights, while the Offices provide technical advice.

The Town's representatives on the NWDPC are currently Councillor Ian Ker and the Executive Manager Environmental and Development Services, while Councillor Steed Farrell and Manager Planning, Building and Heritage Services are the respective deputies.

The attached paper on the *Relevance of the District Planning Committees and Metropolitan Planning Committee* was distributed during general business at the meeting of the NWDPC held on 10 August 2006.

It was resolved that the Member Councils report on the matter to the next meeting of the NWDPC scheduled for 12 October 2006, in order for the Committee to present its views to the Metropolitan Planning Committee.

Issues for Council to Make Comment Prior to Next NWDPC Meeting

The following issues were nominated in the subject for further discussion by the individual Member Councils prior to the next meeting of the NWDPC scheduled for 12 October 2006:

- Processes that can be improved or changed;
- New areas for consideration; and
- Support for current processes.

The following sample issues were also suggested in the subject paper:

- The role of the Committee;
- Review of fees and charges;
- Status and role of the Western Australian Local Government Association (WALGA);
- 'Issues for Discussion Item' on each agenda;
- Retrospective planning; and
- State Government Policy feedback processes.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

“1.3 Develop, implement and promote sustainable urban design”.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In light of the above, it is recommended that the Council advises the WAPC North West District Planning Committee of the following comments:

Processes That Can Be Improved or Changed

- (i) The District Planning Committees and the Member Councils representation should be reviewed so that the regional planning issues for discussion are more directly relevant to all Member Councils within that Committee; for example, many Metropolitan Region Scheme Amendments within the Cities of Wanneroo and Joondalup do not directly affect the Town.
- (ii) The Metropolitan Planning Committee should have representation from the Western Australian Local Government Association so that the Association can give a broader local government view on metropolitan planning issues.
- (iii) The Member Council hosting the District Planning Committee meeting should deliver a presentation at the meeting on a project or initiative that would be of interest to the other Member Councils.
- (iv) The comments of Member Councils on proposed draft Western Australian Planning Commission (WAPC) Policies and other planning related State legislation should be sought at the preparation stage rather at the public consultation stage. This will promote a WAPC – Local Government collaborative approach in State/regional planning policies and legislation.

New Areas for Consideration

- (i) The most effective forum and procedures for local government to raise regional planning issues with the Western Australian Planning Commission.
- (ii) Review of planning application fees and charges, to address matters such as the real costs, CPI increases, and higher fees and charges for applications for Retrospective Planning Approval as a disincentive for unauthorised development, and the status and role of the Western Australian Local Government Association in this review.
- (iii) The effectiveness of the State Administrative Tribunal in consideration and determination of planning review applications.
- (iv) Short stay accommodation within dwellings and associated implications.
- (v) Environmental sustainability assessment of development and subdivision applications.
- (vi) Provision of affordable housing, and the role of the Department of Housing and Works.

Support for Current Processes

- (i) The current processes are supported in principle, subject to the above improvements, changes and new areas for consideration being addressed.

10.1.9 Authorisation for "All Creatures Great & Small" Veterinary Centre to Register Town of Vincent Dogs

Ward:	Both	Date:	3 October 2006
Precinct:	All	File Ref:	LEG0015
Attachments:	-		
Reporting Officer(s):	S Giles, J Maclean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *AUTHORISES "All Creatures Great & Small Veterinary Centre" to issue Dog Licences and to accept Registration Fees for one (1) and three (3) year Dog Registrations; and*
- (ii) *APPOINTS the following persons as Registration Officers, under the provisions of the Dog Act 1976:*

Stephen Baker

Jason Gilich

Erin Metcalfe

Chris Wornham

Lauren Marini

Isabella Rechichi

Sharnelle Nyree Beanland

COUNCIL DECISION ITEM 10.1.9

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Mayor Catania and Cr Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to approve Authorised Persons under the Dog Act 1976, to enable dogs to be registered at "All Creatures Great and Small Veterinary Centre".

DETAILS:

The Town of Vincent has the responsibility for the enforcement of various Acts, Regulations and Local Laws. This includes the Dog Act and in particular, the Town is responsible for the registration of dogs. It is a requirement for officers issuing Dog Registrations to be appointed as Registration Officers under the Dog Act 1976.

All officers named in clause (ii) of the above recommendation, deal with animal registrations on a regular basis. These Authorised Persons will be responsible for ensuring that Dog Registrations are completed in an appropriate manner and there is therefore a requirement for them to be appointed as Registration Officers.

The Ranger Services Section has been investigating initiatives to improve efficiencies and to enhance the awareness of the registration requirements, to new dog owners. In doing so, it was identified that, by combining dog registration, canine vaccinations and puppy training programs, at veterinary centres, it could encourage owners to register their new, or existing dogs. Registration from an early age provides the Town with a method to track registered animals, which are impounded and provides accessibility to Registration Forms and Tags.

At the Ordinary Meeting of Council, held on 27 June 2006, the Council approved the appointment of staff from My Best Friend Veterinary Centre, situated at 3/106 Oxford Street, Leederville, as Authorised Officers, under the Dog Act 1976, permitting them to issue dog registration tags from the premises and there was an immediate agreement. At the Ordinary Meeting of Council on 27 June 2006 the Council amended the original recommendation to add a resolution that the Chief Executive Officer write to all the Veterinary practices in the Town of Vincent to establish if they would also like to participate in the issuing of dog registration tags.

On 25 September 2006 the owner of *All Creatures Great & Small Veterinary Centre*, situated at 460 Beaufort Street, Highgate, contacted the Town and asked if the Centre could be authorised to issue dog registration tags. The matter has been discussed with the owner and staff and there is no legal impediment to this being approved. If approved, Rangers have arranged for the staff to promote dog registration to new dog owners, and to explain the benefits of having a dog registered.

All Creatures Great & Small Veterinary Centre opening hours, extend past the Town of Vincent Customer Service Centre opening hours and staff have indicated that they already have the capability to register dogs and that this would be done, without any cost to the Town.

Guidelines and applicable training for the issuing of tags and recording of Registration information, required under the Dog Act 1976, will be provided to the staff at *All Creatures Great and Small Veterinary Centre*, who are to be appointed as Dog Registration Officers.

CONSULTATION/ADVERTISING:

There will be a need to advertise the appointments in the Government Gazette.

LEGAL/POLICY:

There is no legal impediment to a veterinary clinic being authorised to issue Dog Licences, but Section 3.24 of the Local Government Act 1995 requires any person, who will act on behalf of a Local Government, to be expressly authorised by it to do so.

STRATEGIC IMPLICATIONS:

These appointments are in keeping with the Strategic Plan 2005-2010 at Strategy and Action Plan 4.2 “*Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.*”

FINANCIAL/BUDGET IMPLICATIONS:

Other than the advertising costs, there will be no cost associated with these appointments. The total cost is expected to be approximately \$100.00.

COMMENTS:

The approval for *All Creatures Great & Small Veterinary Centre* to issue Dog Licences and the appointment of the abovementioned officers as Dog Registration Officers will ensure that the administration of the Ranger Services and Community Safety Section can continue to meet the expectations of the community. The above report is recommended for approval.

10.2.2 Hyde Park Lakes Restoration Working Group – Progress Report No 1

Ward:	South	Date:	4 October 2006
Precinct:	Hyde Park P12	File Ref:	RES0042
Attachments:	001		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the progress report No 1 of the Hyde Park Lakes Restoration Working Group;
- (ii) **NOTES**;
 - (a) *the recommendations identified in the Hydrogeological Report for the Hyde Park Lakes prepared by Rockwater Pty Ltd (laid on the table);*
 - (b) *that of nine (9)' possible' lake restoration options that have been developed by the Hyde Park Lakes Restoration Working Group (as outlined in the report), no specific option has been endorsed by the group as a single preferred option and that further investigation/assessment/evaluation is required before a recommendation is forthcoming;*
 - (c) *that to enable the options to be further evaluated the cost for cleaning the Lake Monger retention ponds will be further investigated and the Town's officers will apply for a licence to construct an additional bore from the superficial or Leederville Aquifer to possibly artificially recharge the lakes from a nutrient free source; and*
 - (d) *the extensive works undertaken to date by members of the Hyde Park Lakes Restoration Working Group and in particular the professional advice provided free to the Town by the professional community representatives on the group and other invited guests;*
- (iii) **ADVISES** the community of the progress to date via the local media and the Town's newsletter; and
- (iv) **NOTES** that further progress reports will be submitted to the Council, as options for the restoration of the lakes at Hyde Park are further investigated/developed.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Mayor Catania and Cr Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the progress made by the Working Group and to present possible options identified by the Working Group for the restoration of the lakes at Hyde Park.

BACKGROUND:

The water volume and quality in the Hyde Park lakes has been declining over a number of years due to declining annual rainfall, possibly resulting from climate change and the practise of recharging the lakes with bore water which is high in nutrients. In addition, there is considerable leaf drop into the lake from the deciduous trees planted around the perimeter of the lake/s.

In an effort to commence a process to address some of the above issues and to maintain/restore the lakes to an acceptable level of service, the Council, at its Ordinary Meeting held on 23 November 2004, received a report recommending the establishment of a Hyde Park Lakes Restoration Working Group, where the following decision was adopted:

That the Council;

- (i) *RECEIVES the report in relation to the establishment of the Town of Vincent Hyde Park Lakes Restoration Working Group;*
- (ii) *APPROVES the Terms of reference for the Town of Vincent Hyde Park Lakes Restoration Working Group as attached in Appendix 10.2.5;*
- (iii) *APPROVES the following structure of the Hyde Park Lakes Restoration Working Group:*
 - (a) *Three (3) Elected Members - Mayor (Chair)*
- 2 Councillors
 - (b) *Executive Manager Technical Services*
 - (c) *Manager Parks Services*
 - (d) *Heritage Officer*
 - (e) *One (1) Claisebrook Catchment Group representative*
 - (f) *One (1) Community representative with specialist knowledge of environmental matters*
 - (g) *One (1) nominated Environmental consultant;*
- (iv) *NOMINATES Crs Ker and Lake, to the Hyde Park Lakes Restoration Working Group; and*
- (v) *RECEIVES a further report once the Group has met and established a way forward.*

Therefore, in accordance with the Council's decision, the 'official' Working Group consists of the following nine (9) members:

- Mayor Nick Catania - Chair
- Ian Ker – Councillor
- Sally lake – Councillor
- Rick Lotznicker – Executive Manager Technical Services
- Jeremy van den Bok – Manager Parks Services

- Hannah Eames – Senior Heritage Officer
- Paul van der Moezel – ATA Environmental
- Faron Mengler – Community Representative
- Warren McGrath – Claise Brook Catchment Group Representative

DETAILS:

Working Group Meetings

The inaugural meeting of the group was held on 17 March 2005 and the main Working Group has met on five (5) occasions, with a smaller sub-group also meeting several times through this period in an effort to identify solutions to the current problems.

At the inaugural meeting of the Working Group, each member highlighted what they considered to be the main issues / concerns and the areas that should be addressed/prioritised as part of the restoration of the lakes.

A brief history of what had previously been undertaken at Hyde Park over the last ten (10) years was outlined by the Manager Parks Services and it was decided to distribute all existing environmental reports and management plans to group members. It was also decided that a smaller sub-group be formed to discuss and progress the restoration options.

Over the next few meetings the sub-group identified several restoration options (see attached) for the lakes. In addition, a nutrient budget was compiled based on the limited information available and it was decided that a Hydrogeology Study be undertaken to provide a better understanding of the dynamics of the groundwater in the area.

The working group also completed the following tasks to assist in the development of feasible options for the restoration of the lakes.

- Measuring the potential low flow volume through the Hyde Park drain
- Testing low flow for Nitrogen/phosphorous
- Installation of flow meter on Bore # 29 (Lake recharge)
- Determine the cost of the Hydrogeology report for Shenton Park Lake
- Determine Static Water Levels (SWL) of Town of Vincent bores around Hyde Park
- Determine Water quality information of each bore location
- Obtain information on Stormwater recharge project at Town of Mosman Park
- Obtain groundwater data from other agencies
- Prepare brief for Hydrogeology Study
- Produce stormwater map with contours and gulley locations
- Submit application for Community Water Grant
- Additional signage erected around lakes
- Advice sought from Department of the Environment (DOE) in respect to bore water use

Hydrogeology Report

The Hydrogeology report for the Hyde Park Lakes was completed by Rockwater Pty Ltd in February 2006 and their principal Hydrogeologist, Tony Allen, was invited to present his report to the Working meeting held on 12 April 2006 and to answer any questions in relation to the report.

As part of the brief, Rockwater Pty Ltd was also requested to comment on the following nine (9) options (refer attached) determined by the Working Group for the restoration of the lakes.

The comments provided were discussed at a further meeting with members of the Working Group.

The options and results of the discussions are outlined below.

Option 1 – Excavate, clay lining, bore water recharge and rebuild lake walls

Undertaking this option would require excavation of the lake beds and disposal/cartage of the excavated material to the class 4 landfill located at Eastern Metropolitan Regional Council's (EMRC's) Red Hill landfill facility. This would require Heritage Council approval and would have aboriginal heritage issues.

This option would result in a major intervention, be technically difficult and ultimately there would be a risk of groundwater pressure causing bubbling of the clay lining or membrane. Removal of the sediment from the lake beds would be very costly and acid sulphate soil issues would most probably develop following de-watering. In addition, rebuilding the lake walls in their current location would be difficult due to the existing root mass.

Option 2 – Excavate, rebuild lake walls, minimal bore water recharge and tolerate fluctuating water levels.

Comments as above

Option 3 – Replace some sections of lake wall and create sedge /reed beds

This option may be feasible and could possibly be integrated with some of the other options identified, however, advice/approval from the Western Australian Water Corporation would be required as the lakes provide compensation for the Hyde Park branch drain and any alteration to the volume of the compensating basin could have an adverse effect on the hydraulics of the main drainage system.

Option 4 – Source water for lakes from deeper aquifer and pump irrigation water from lakes.

Subject to DOE approval for alternative groundwater source and likely to be very expensive if an irrigation pumping station is required and/or approved.

Option 5 – Bore water recharge, pump water out via filter and return to lake.

Very expensive and unsure whether technology is available to filter this volume of water. It was agreed that this option could no longer be considered.

Option 6 – Excavate and line one lake, bore water recharge and create a nutrient stripping wetland (NSW) in other lake.

Implementing this option would require excavation of the lake bed which would have aboriginal heritage issues (refer comments Option 1). Removal of the sediment would be very costly and acid sulphate soil issues may develop following de-watering. Question whether NSW would cope with autumn leaves on annual basis and ongoing maintenance costs for cleaning may be significant.

Action: Cost for cleaning of Lake Monger NWS to be investigated.

Option 7 – Raise groundwater levels by altering stormwater systems to recharge groundwater.

This option is already being implemented and will be further progressed over the next few years within the Town.

Option 8 - Source water for lakes from water source higher up the catchment and pump into lakes via existing main drainage system.

Subject to approval from the DOE for additional bore and dependant on the structural integrity of the existing drainage lines. Location of suitable bore sites on Town's land with low total nitrogen (TN) may be difficult.

Action: Town to apply for licence to construct additional bore from superficial or Leederville Aquifer.

Option 9 – Construct low wall and have summer/winter water levels.

Possibly combine this option with other options, however, removal of substantial volume of leaf litter may be necessary. Muddy low water levels may pose Occupational Health and Safety issues.

The Hydrogeology report provided valuable information to the group, however, it also identified other areas that required further investigation in an effort to identify the most suitable option/s for restoration of the lakes.

Future Direction/Development

Dr Bob Humphries, the Manager Sustainability from the Water Corporation, was invited to the Working Group meeting held on 24 July 2006 to provide an overview on sustainability principles that may be applied to the restoration of Hyde Park lakes and Sewer mining as a possible source of additional water for aquifer recharge.

It was evident from this presentation and ongoing discussions at this meeting that further information was required, including a more accurate nutrient budget prior to determining which option/s should be further developed to undertake this, additional data needs to be collected. Dr Humphries provided the names of two University of Western Australia (UWA) Professors who he advised may have students able to assist the Town.

Contact subsequently made with Professor David Reynolds and Associate Professor Jenny Davis from UWA who advised they are willing to assist the Town in early 2007 if the need arises. In addition, Dr Bob Humphries offered his assistance in examining the existing data and advising what additional data, if any, is required.

In addition to the above, several more actions were identified as follows:

- Investigate sourcing reticulation water from lakes – *in progress*
- Effect of Graham Farmer freeway on groundwater contours – *in progress*
- Request financial assistance from state government – *in progress*
- Determine the cost of City of Perth lakes system at Ozone Reserve – *in progress*
- Determine the cost of maintenance of the Lake Monger nutrient stripping zones – *in progress*
- Apply for licence to draw water from Leederville aquifer – *in progress*
- Investigate increasing local stormwater catchment – *in progress*
- Investigate use of “Aquashade” – *in progress*
- Measure daily lake level fluctuations – *in progress*

Given that the Town is not likely to be in a position to undertake any on-ground works for some time, all of the Working Group members indicated that it would be beneficial to advise the Council/community as soon as possible of the progress the working group has made to date.

CONSULTATION/ADVERTISING:

It has been recommended by the Working Group that information on the progress it has made to date, be related to the community via the local newspapers, Town of Vincent news or other source as soon as possible.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1 Protect and enhance the environment and biodiversity. *"c) Enhance and protect our natural environment, improve natural habitat, increase biodiversity in parks, reserves, wetlands and river foreshore areas, link Greenways of vegetation, enhance the Significant Trees Inventory to encourage their protection and increase and promote the use of local native vegetation by Council and residents."*

FINANCIAL/BUDGET IMPLICATIONS:

A total amount of \$105,000 is listed in the 2006/2007 budget for the restoration of Hyde Park lakes and this amount is to be transferred to a reserve fund. In addition, the North Perth Community Bank has advised that they will donate \$50,000 over five (5) years towards this project.

Whilst no preferred option for restoring the lakes has been recommended at this point in time, the Working Group has briefly discussed costs associated with restoring the lakes. It is likely that any chosen option/s is going to be expensive and a considerable budget will be required to be allocated over the forthcoming years.

COMMENTS:

While the task of finding a solution to the water quality issues and restoration of Hyde Park Lakes is not an easy one, the Town acknowledges the many people who have provided assistance and input into this project so far.

Many hours of professional free time has already been spent on completing reports and compiling data and further offers for assistance have been received from University Professors and students if the need arises.

Over the next 12 months the group will further progress with the various options identified and make recommendations after carefully investigating and researching all the issues.

10.3.1 Financial Statements as at 31 August 2006

Ward:	Both	Date:	27 September 2006
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.3.1

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Mayor Catania and Cr Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

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

BACKGROUND:

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

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 102 % of the month of August Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 101 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 100% of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 320 % of the budget received to date; this is due the sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a favourable variance of 305 % due to grants received.

Health (Page 4)

Health is showing 88 %, this is due to 268 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is showing 135 %, this is due to the issue of lease invoices for the various properties.

Community Amenities (Page 6)

Community Amenities is 180 % of the year to date budget, this is as a result of 163 planning applications have been processed in August and the issue of non rateable properties for their refuse charges

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture shows a favourable variance of 101 % of their revenue budget. Beatty Park Leisure Centre revenue is 10 % of the total Recreation and Culture revenue budget and tracking along with the centre year to date budget of 87%.

Economic Services (Page 12)

Economic Services is 104 % under budget which is the 114 building licences issued to the month of August.

Operating Expenditure

Operating expenditure for the month of August is under budget at 86%

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2006/07 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for August amount of \$445,437 which is 1% of the budget of \$54,482,388.

	Budget	Actual to Date	%
Furniture & Equipment	101,800	0	0%
Plant & Equipment	905,925	217,302	24%
Land & Building	43,623,350	54,400	1%
Infrastructure	9,851,313	177,735	2%
Total	54,482,388	445,437	1%

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

The statement shows the current assets of \$28,349,627 less current liabilities of \$4,466,235 for a current position of \$23,883,391.

The total non current assets amount to \$114,009,807 less non current liabilities of \$10,903,893 for the total net assets of \$126,989,306.

Restricted Cash Reserves (Page 27)

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

Debtors and Rates Financial Summary

General Debtors (Page 28)

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

Sundry Debtors of \$270,856 are outstanding at the end of August. Of the total debt \$13,774 (7%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 29)

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

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

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

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

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

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

Rates outstanding are \$9,912,835 which represents 64 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 30)

As at 31 August 2006 the operating deficit for the Centre was \$23,013 in comparison to the budgeted year to date deficit of \$118,644 and annual deficit of \$639,155.

The cash position showed a current cash surplus of \$61,178 in comparison to the year to date budget of cash deficit of \$13,516 and an annual budget estimate of a cash deficit of \$81,056. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The amount raised from rates for the year to date 31 August 2006 was \$15,010,066.

Net Current Asset Position (Page 32)

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	4 October 2006
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Mayor Catania and Cr Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
21/09/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: Perth Glory Football Club v Melbourne Victory Football Club - 24 September 2006 (Stadium)

Date	Document	No of copies	Details
25/09/06	Deed of Restrictive Covenant	2	Town of Vincent and P G Rogers and N L Gradisen of 24 Camelia Street, North Perth re: No. 24 (Lot 30) Camelia Street, North Perth (Covenant states: <i>"No new development shall occur within 0.49m of the right-of-way abutting the eastern boundary of the lots to accommodate widening of the right-of-way should it be required in the future"</i>)
25/09/06	Lease	2	Town of Vincent and North Perth Tennis Club, C/o Farmer Street, North Perth WA 6006 re: North Perth Tennis Facilities, Farmer Street, North Perth (Lease Term: 5 years, commencing 01/04/06 and terminating 31/03/2011)
25/09/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 25, 26, 27, 28 September and 2, 3, 4, and 5 October 2006 (Change Rooms 1 and 2, Chairman's Lounge and Pitch)
29/09/06	Contract of Employment	3	Town of Vincent and Mr Dale Morrissy of Albemarle Street, Scarborough - Appointment to Manager Beatty Park Leisure Centre for a term of five (5) years commencing 2 October 2006
29/09/06	Deed of Licence		Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football West Limited, PO Box 214, Maylands, WA 6931 re: Football West Training Sessions - 30 September and 3 October 2006 (Change Rooms 1 and 2, Chairman's Lounge and Pitch)
04/10/06	Deed of Licence		Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Westcare Formal Lunch - 5 October 2006 (Glory Lounge)

10.4.2 Policy No. 1.4.1 – Beatty Park Leisure Centre – Awarding of Life Membership – Review and Re-adoption

Ward:	-	Date:	3 October 2006
Precinct:	-	File Ref:	ADM0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the re-adoption of Policy 1.4.1 – Beatty Park Leisure Centre – Awarding of Life Membership as shown in Appendix 10.4.2; and*
- (ii) *NOT advertise the re-adoption of policy for community consultation as there has been no change.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Mayor Catania and Cr Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

To obtain the Council approval to re-adopt Policy No. 1.4.1 "Beatty Park Leisure Centre – Awarding of Life Membership".

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to Elected Members for decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. This policy was last reviewed in June 2001 and a review is now timely.

DETAILS:

The policy has been reviewed by the relevant officers and no changes are recommended.

CONSULTATION/ADVERTISING:

It is recommended in this instance that as the re-adoption of the policy does not require any change and it not be advertised in accordance with the Community Consultation Policy.

LEGAL/POLICY:

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters.

STRATEGIC IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

It is recommended that the policy be re-adopted without any changes.

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

Ward:	South	Date:	29 September 2006
Precinct:	Beaufort; P13	File Ref:	PRO0825; 5.2006.288.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

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

- (i) *the tavern use shall not operate independently of the "karaoke lounge" use on-site at any time;*
- (ii) *the floor plan is to remain as shown on the approved plans at all times. Details of any changes to the floor plan shall be submitted to and approved by the Town prior to such changes occurring;*
- (iii) *this approval for a tavern use is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (iv) *compliance the Environmental Protection (Noise) Regulations 1997 at all times;*
- (v) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vi) *the public floor area of the tavern/karaoke lounge shall be limited to 153 square metres;*
- (vii) *a maximum of one hundred (100) people, inclusive of staff, are permitted to be at the premises at any one time;*
- (viii) *the hours of operation for the tavern/karaoke lounge shall be restricted to ~~10am~~ 8pm to 2am Monday to Saturday inclusive, and closed on Sunday;*
- (ix) *the recommendations of the acoustic report dated 30 August 2004 prepared by Langford Acoustical Services, shall be implemented prior to the first occupation of the development and thereafter maintained to the absolute satisfaction of the Town; and*

- (x) *the management plan entitled "The House Policy of Oriole Karaoke Pty. Ltd." submitted to the Town being revised to address the additional number of persons permitted, the extended hours of operation, littering as well as responsible service practices, staff training, customer complaints, intoxication and other unacceptable behaviours, juveniles, local amenity and security, and shall be implemented as from the first occupation of the development and thereafter maintained and adhered to.*

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

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina returned to the Chamber at 6.16pm.

Debate ensued.

Moved Cr Messina, Seconded Cr Maier

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

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

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

BACKGROUND:

28 September 2004 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed alterations and additions to existing eating house and change of use to unlisted use class (karaoke bar) at the subject property.

3 February 2005 Conditional approval was granted under delegated authority by the Town for signage to approved unlisted use class (karaoke bar) at the subject property.

14 June 2005 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed alterations and additions to existing eating house and change of use to unlisted use class (karaoke bar) - reconsideration of conditions, at the subject property.

28 June 2005 The Council at its Ordinary Meeting granted conditional approval for proposed change of use from unlisted use class (karaoke bar) to tavern at the subject property.

DETAILS:

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

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

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

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

The applicants request the following:

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

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Support (2)	• No objection.		Noted.
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

Car Parking	
Car parking requirement (nearest whole number) The proposal requires 40.21 parking bays as per the greater requirement of 1 space per 3.8 square metres of public floor area for tavern (based upon 153 square metres, as conditioned in Officer Recommendation).	107 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces) 	(0.7225) 77.31 car bays
Minus the car parking provided on-site	78 car bays, as shown on the submitted plans
Minus the most recently approved on-site car parking shortfall * due to addition of new car park approved by the Council in 1996, it is not considered that there is any existing shortfall.	*
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:

A submission was received on 16 August 2005 complaining that the noise being emitted from the subject property was excessive and that the tavern was operating outside of its approved trading hours until 1 am and 2am. This complaint was addressed by the Town and the manager of the Oriel Karaoke Bar and resulted in the manager of the subject tavern taking the following actions:

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

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

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

10.1.1 Lot 503 Money Street Corner Little Parry and Lindsay Streets, Northbridge - Proposed Mixed Use (Commercial/Residential) Development - Land within the East Perth Redevelopment Authority (EPRA) Area

Ward:	South	Date:	4 October 2006
Precinct:	Beaufort;P13	File Ref:	PRO0572
Attachments:	001 ; 002		
Reporting Officer(s):	R Rasiah; S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

the Council ADVISES the East Perth Redevelopment Authority (EPRA) that it SUPPORTS IN PRINCIPLE the Proposed Mixed Use (Commercial/Residential) Development at Lot 503 Money Street corner Little Parry and Lindsay Streets, Northbridge and as shown on plans stamp dated 7 September 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, a Construction Management Plan addressing hours of construction and traffic access via Money Street, Lindsay Street and Little Parry Street and any other appropriate matters is to be referred to the Town of Vincent's Technical Services for consideration and comments;*
- (iii) any traffic impact studies or storm water undertaken for the above development is to be referred to the Town of Vincent's Technical Services for consideration and comments;*
- (iv) the Money Street verge adjacent to the subject properties is to be landscaped, reticulated and maintained thereafter by the owner(s)/occupier(s);*
- (v) all construction related vehicles is to be accommodated on site for the entire duration of the construction period;*
- (vi) submission of an arboriculturalist report detailing the on-going treatment of the existing Plane Trees (Platanus acerifolia) adjacent to the subject land being retained and measures to be taken to ensure its identification and protection during and after the commencement of site works;*
- (vii) the overall height of the building is to comply with the 12 metres height requirement;*
- (viii) doors, windows and adjacent floor areas fronting Money Street, Little Parry Street and Lindsay Street are to maintain an active and interactive relationship with these streets;*
- (ix) the surface of all boundary walls is to be finished and made good and thereafter maintained to a clean condition;*

- (x) *prior to the issue of a Building Licence, the owner(s) is to agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings/commercial uses. This is because at the time the planning application for the development was submitted to EPRA, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development; and*
 - (b) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities.*
- This notification is to be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xi) *policies 33, 34, 35 and 41 of the Mackays Aerated Waters Factory (fmr) Conservation Plan prepared by Palassis Architects in 2002 to be complied with to the satisfaction of EPRA;*
- (xii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's of Vincent's Policy relating to Sound Attenuation is to be submitted to the satisfaction of EPRA. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and*
- (xiii) *any new street/front wall, fence and gate along the Money Street, Lindsay Street and Little Parry Street boundaries and the main building, including along the side boundaries within this front setback area, are to comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; ~~and~~*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (xiv) *prior to the issue of a Building Licence, the applicant/owner is to pay the Town a contribution of \$3,500 towards the resurfacing of Little Parry Street to a 'red asphalt' standard, being 50 per cent of the full cost to resurface the Street with the Town contributing the remaining 50 per cent of the cost.*

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

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Chester

That;

1. *clauses (iii) and (v) be amended to read as follows:*

"(iii) any traffic impact studies or storm water disposal plan undertaken for the above development is to be referred to the Town of Vincent's Technical Services for consideration and comments;"

"(v) all construction related vehicles ~~is~~ are to be accommodated on site for the entire duration of the construction period;"

2. *clause (vii) be deleted; and*

3. *new clauses (vii) and (xv) be added as follows:*

"(vii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development are to be submitted to the satisfaction of EPRA; OR the applicant/owner is to pay a cash-in-lieu contribution of 1 per cent of the estimated total cost subject to EPRA agreeing to this arrangement; OR public art is to be provided in accordance with any EPRA Policy relating to public art. The art work(s) is to be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);"

"(xv) the roof covering and louvers of the balconies on the second floor on the Money Street / western elevation of Units 7, 28, 29 and 30 to be removed, and fixed obscured glazing to a height of 1.6 metres above the balconies finished floor level to be provided on the northern and southern elevations of these balconies; OR an alternative design solution which does not significantly add to the visual bulk of the building to be submitted to the satisfaction of EPRA."

Debate ensued.

AMENDMENT CARRIED (6-1)

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

(Mayor Catania and Cr Torre were apologies.)

MOTION AS AMENDED CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

COUNCIL DECISION ITEM 10.1.1

That;

the Council ADVISES the East Perth Redevelopment Authority (EPRA) that it SUPPORTS IN PRINCIPLE the Proposed Mixed Use (Commercial/Residential) Development at Lot 503 Money Street corner Little Parry and Lindsay Streets, Northbridge and as shown on plans stamp dated 7 September 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, a Construction Management Plan addressing hours of construction and traffic access via Money Street, Lindsay Street and Little Parry Street and any other appropriate matters is to be referred to the Town of Vincent's Technical Services for consideration and comments;*
- (iii) any traffic impact studies or storm water disposal plan undertaken for the above development is to be referred to the Town of Vincent's Technical Services for consideration and comments;"*
- (iv) the Money Street verge adjacent to the subject properties is to be landscaped, reticulated and maintained thereafter by the owner(s)/occupier(s);*
- (v) all construction related vehicles are to be accommodated on site for the entire duration of the construction period;*
- (vi) submission of an arboriculturalist report detailing the on-going treatment of the existing Plane Trees (Platanus acerifolia) adjacent to the subject land being retained and measures to be taken to ensure its identification and protection during and after the commencement of site works;*
- (vii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development are to be submitted to the satisfaction of EPRA; OR the applicant/owner is to pay a cash-in-lieu contribution of 1 per cent of the estimated total cost subject to EPRA agreeing to this arrangement; OR public art is to be provided in accordance with any EPRA Policy relating to public art. The art work(s) is to be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (viii) *doors, windows and adjacent floor areas fronting Money Street, Little Parry Street and Lindsay Street are to maintain an active and interactive relationship with these streets;*
- (ix) *the surface of all boundary walls is to be finished and made good and thereafter maintained to a clean condition;*
- (x) *prior to the issue of a Building Licence, the owner(s) is to agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings/commercial uses. This is because at the time the planning application for the development was submitted to EPRA, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development; and*
 - (b) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities.*
- This notification is to be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xi) *policies 33, 34, 35 and 41 of the Mackays Aerated Waters Factory (fmr) Conservation Plan prepared by Palassis Architects in 2002 to be complied with to the satisfaction of EPRA;*
- (xii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's of Vincent's Policy relating to Sound Attenuation is to be submitted to the satisfaction of EPRA. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and*
- (xiii) *any new street/front wall, fence and gate along the Money Street, Lindsay Street and Little Parry Street boundaries and the main building, including along the side boundaries within this front setback area, are to comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xiv) *prior to the issue of a Building Licence, the applicant/owner is to pay the Town a contribution of \$3,500 towards the resurfacing of Little Parry Street to a 'red asphalt' standard, being 50 per cent of the full cost to resurface the Street with the Town contributing the remaining 50 per cent of the cost; and*
- (xv) *the roof covering and louvers of the balconies on the second floor on the Money Street / western elevation of Units 7, 28, 29 and 30 to be removed, and fixed obscured glazing to a height of 1.6 metres above the balconies finished floor level to be provided on the northern and southern elevations of these balconies; OR an alternative design solution which does not significantly add to the visual bulk of the building to be submitted to the satisfaction of EPRA.*

ADDITIONAL INFORMATION:

At its Ordinary Meeting held on 9 May 2006, the Council received a report on *Proposed Implementation Program Wetland Heritage Trail / Greenway* where it was decided in part:

"That the Council;

...

- (vi) *APPROVES IN PRINCIPLE the program of works and annual cost estimates for years 2006/2007 to 2011/2012, as indicated in the report, to be implemented over an six year (6) year period;*
- (ix) *RECEIVES further progress reports on the project/s as required."*

In relation to 2007/2008 of the program, the report stated:

"Greenway Implementation

- *Little Parry St - This will involve resurfacing (red asphalt) and lighting."*

It is therefore considered that, as the proposed development extends the full length of Little Parry Street between Money Street and Lindsay Street, the applicant/owner should be required to contribute towards the resurfacing of the Street. It is noted that lighting has already being installed in this section of the Street.

PURPOSE OF REPORT:

To advise the Council of the subject development application referred by EPRA to the Town for comment.

BACKGROUND:

The subject site at Lot 503 Money Street corner Little Parry and Lindsay Streets, Northbridge, accommodates an existing building known as *Mackays Aerated Waters Factory* which has ceased operating, and is under the jurisdiction of East Perth Redevelopment Authority (EPRA) as part of Amendment No.18 to East Perth Redevelopment Scheme.

Prior to the site coming within the jurisdiction of EPRA, the above site when under the Town of Vincent, fell within the Beaufort Precinct. The proposal generally complies with the intention and objectives of the Town's Beaufort Precinct Policy.

DETAILS:

Being the adjoining local authority, EPRA has referred a development application to the Town of Vincent for comment for the proposed conversion of the *MacKays Aerated Waters Factory* at the above site.

Details of the above proposal (attached), prepared by Philip McAllister Pty Ltd have been summarised as follows:

- The significant heritage fabric and industrial theme of the building has been retained, using existing masonry facades and the reuse and renovation of the Lindsay Street portion of the site for warehouse purposes and also the Money Street frontage. Only one significant portion of the Little Parry Street frontage of the factory section and the original roof is proposed to be removed.
- Offices and warehouse of approximately 720 square metres in area is proposed along Lindsay Street.
- One (1) office, one (1) café and 35 residential dwellings consisting of:
 - Two, 3 storey 3 bedrooms;
 - One, 3 storey 4 bedrooms;
 - Five, 2 storey, 3 bedrooms;
 - Six, 2 storey, 2 bedrooms;
 - Thirteen, 1 storey, 2 bedrooms; and
 - Eight, 1 storey studio/single bedroom;

is proposed along Money Street.

- Density of R100, allows a potential of 28.92 dwellings. The proposal is for 35 residential dwellings.
- Height limit is three (3) storeys or 12 metres from natural ground level. The proposal involves a height variation, as the proposed height is 14.6 metres.

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

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

East Perth Redevelopment Act.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage

The *Mackays Aerated Waters Factory* (former) at Nos.10-22 Money Street, Perth is a fine example of industrial Interwar Functionalist style of architecture, of which there are few extant examples in the inner city. The place has been listed on the Town's Municipal Heritage Inventory since 1995 and is also under consideration for inclusion onto the State Register of Heritage Places.

In 2002, as part of the Government Heritage Property Disposal Process a Conservation Plan for the place was commissioned by the East Perth Redevelopment Authority. Prepared by Palassiss Architects, the document sets out the cultural heritage significance of the place and provides a guide to the future use, conservation and maintenance of the place. The Town's Heritage Officers have undertaken a review of the proposal in context with the Conservation Plan.

It is understood that the proposal aims to retain and conserve various elements of the extant building and incorporate it into a contemporary sustainable development with residential and commercial uses, which are focussed around a central common courtyard. The applicant has prepared a Heritage Impact Statement for the proposal, which is included as an attachment to this report.

The *Mackays Aerated Water Factory* has been vacant for a number of years. During this time its condition has deteriorated and as advised in the applicant's submission, there has been a significant amount of vandalism and many internal fittings and much of the original fabric have been removed or is deteriorating. The Town's Heritage Officers consider the adaptive reuse of the place as a positive step forward to ensure the ongoing care and maintenance of this significant place.

However, there appears to be some aspects of the proposal which conflict with a number of the policies within the Conservation Plan. A guiding principle, which encompasses the ethos of good conservation practise, is embodied in Policy 29, which states that '*the appearance of the place shall not be altered in such a way as to compromise its aesthetic value.... the placement of new elements...shall have a minimal impact on the places character*'. Whilst the proposal does aim to reduce the impact of the the development in such a way as not to compromise its aesthetic value it is considered that the following policies have not been sufficiently addressed:

- *Policy 33 - There shall be no new openings to the Money Street elevation except the one necessary to reconstruct its form as set out in the preceding policy.*

The proposal involves the construction of two new single openings along the northern portion of the Money Street façade and the opening of two bays to full width along the southern end of the Money Street façade. Whilst it is acknowledged that there is a need to provide new openings to accommodate the new usage there is some concern regarding the configuration and subsequent impact of the new opening along the southern end of the facade.

- *Policy 34 - The Western half of the Little Parry elevation shall be retained and conserved.*
- *Policy 35 - The brick wall beneath all but one of the large steel windows of Little Parry Street's western section may be adapted by the removal of the brick wall as long as the windows are reconstructed.*

The proposal involves the demolition of the western portion of the Little Parry Street wall. The applicant has advised that it is proposed to reinstate the bottom 1.5 metres of wall, with new access openings to indicate the location of the wall and that *"interpretation of the removed wall and the industrial nature of the building is proposed with the provision of a new steel framed 'saw tooth' screen with aluminium louvers in the plane of the original wall"*.

- *Policy 41 - Any new development within Conservation Zone A as described in Figure 31, must not extend outside the envelope of the existing fabric. Significant fabric in that zone shall be retained using the processes of conservation described specifically elsewhere in this document.*

The proposal involves the construction of four 'louvered box' out door terraces along the southern portion of the Money Street façade. The applicant has advised that these components have been designed in a manner that reflect the rhythmical, industrial and geometrical nature of the building and provide a level of privacy and solar control for the inhabitants. Whilst the detail of these features has not yet been finalised it is considered that the height, bulk and visual impact of the proposed structures have the potential to dominate and obscure significant views and vistas of the building.

In light of the above, it is recommended that the Council supports in principle the development application for the adaptive reuse of the *Mackays Aerated Water Factory* as it ensures that the place is continued to be used and maintained, however as per the Officer Recommendation reference should be made to the inconsistencies.

Technical Services

Technical Services have advised that adequate truncations is required to be provided where the access ramp meets the footpath along Money Street, and for the ramp widths to comply with relevant requirements. The Town's Technical Services have advised that there is no objection to the proposed vehicular access off Money Street subject to matters relating to stormwater and a traffic impact study if prepared to be referred to the Town's Technical Services for comments.

Summary

The proposed density variation is considered reasonable, in the context of inner City living. The proposed development is therefore generally supported, with any fencing proposed along the three frontages to be open style fencing, and standard and appropriate conditions to address the above matters.

10.1.4 No. 10 (Lot 33 D/P: 555) Gill Street, North Perth- Proposed Demolition of Existing Single House and Construction of Two Storey Single House

Ward:	North	Date:	3 October 2006
Precinct:	North Perth; P8	File Ref:	PRO3613; 5.2006.282.1
Attachments:	001		
Reporting Officer(s):	B Phillis, L Mach, S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by V Naumoski on behalf of the owners M & V Naumoski for proposed Demolition of Existing Single House and Construction of Two Storey Single House, at No. 10 (Lot 33 D/P: 555) Gill Street, North Perth, and as shown on plans stamp-dated 12 June 2006 (floor, south and east elevations, site and overshadowing plans) and 3 October 2006 (west and north elevations plans), subject to the following conditions:

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the western boundary wall being a maximum average height of 2.7 metres and the maximum overall height being 3.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *first obtaining the consent of the owners of No. 12 Gill Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.12 Gill Street in a good and clean condition;*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any further demolition works on the site; and*
- (vi) *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.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

Landowner:	M & V Naumoski
Applicant:	V Naumoski
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	539 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves proposed demolition of existing single house and construction of two storey single house. The subject property is located within the Eton Locality and zoned Residential R20, and as such, is being referred to Council for determination.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Building Setbacks: East - Ground East - Upper West - Ground West - Upper	1.5 metres 1.7 metres 1.5 metres 1.7 metres	1.0 metre -1.5 metres 1.5 metres 1.0 metre -1.5 metres 1.5 metres	Supported- minor variation, no undue impact and no objections received.
Visual Privacy: East Facing - Upper Balcony Front Facing - Upper Balcony Front - Bed 2	Setback 7.5 metres, or screened to 1.6 metres high within 'cone of vision' area. Setback 7.5 metres, or screened to 1.6 metres high within 'cone of vision' area. Setback 4.5 metres, or screened to 1.6 metres high within 'cone of vision' area.	Setback less than 7.5 metres within 'cone of vision' area, with no screening. Setback less than 7.5 metres within 'cone of vision' area, with no screening. Setback less than 4.5 metres within 'cone of vision' area, with no screening.	Supported- no undue impact, generally front setbacks/roofs and no objections received. Supported- refer to above. Supported- refer to above.
Building on Boundary	2.7 metres average height, 3.0 metres maximum, to one side boundary.	3.2 metres average and maximum height, to one side boundary.	Not supported- undue impact and has been conditioned to comply.
Consultation Submissions			
Support (1)	• Details of support not provided.		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Demolition

The Wise Post Office Directory indicates that a dwelling was constructed at No.10 Gill Street in circa 1923. However, it is believed that this 1923 structure has since been demolished and the extant brick and tile dwelling was constructed circa 1960, with influences of the Immigrant Nostalgia style of architecture.

The dwelling has a two room street frontage and is set back approximately four metres from the verge. The façade features no elements of interest and comprises a simple aluminium framed central entrance door, which is flanked on either side by aluminium sliding windows. The main roof form is hipped and extends to provide a small verandah covering at the front of the house. The verandah is partially enclosed by a brick wall, which has two large arch openings. Internally the dwelling has simplistic detailing and comprises a central hallway from which all the rooms of the house project. At the rear there is a brick enclosed sleep out area with aluminium sliding windows running its length.

The subject dwelling is located between the portion of Gill Street between Eton and Charles Street in North Perth. Gill Street comprises an eclectic range of housing stock ranging from Inter-war Bungalows and weatherboard dwellings to more recent and contemporary constructions. The street has an inconsistent front setback pattern and has both single storey cottages of a modest scale and two storey places.

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

Redevelopment

In light of the above, it is recommended that the planning application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.6 Department of Housing and Works: Building Regulations 1989 – Review of Prescribed Fees - Discussion Paper

Ward:	Both Wards	Date:	3 October 2006
Precinct:	All Precincts	File Ref:	ADM0006
Attachments:	-		
Reporting Officer(s):	B Tran, G Snelling		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Department of Housing and Works Discussion Paper “Building Regulations 1989 – Review of Prescribed Fees”; and*
- (ii) *ADVISES the Department of Housing and Works that the Council SUPPORTS IN PRINCIPLE the proposals contained in the Discussion Paper entitled “Building Regulations 1989 – Review of Prescribed Fees”.*

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Ker

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

“(ii) ADVISES the Department of Housing and Works that the Council SUPPORTS IN PRINCIPLE the proposals contained in the Discussion Paper entitled “Building Regulations 1989 – Review of Prescribed Fees”, subject to the text under 'Ability to vary the building licence' is AMENDED as follows and ADDRESSED accordingly:

'With the consent of the applicant, a Local Government may charge a greater or lesser fee than that set out in the table in regulation 24, so long as the fee charged relates to the cost to the Local Government of services relating to the issue of a building licence, and a greater fee is justified.'”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

Moved Cr Ker, Seconded Cr Messina

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

“(iii) EXPRESSES CONCERN that the way in which the 'ability to vary the licence fee' is expressed, could lead to perceptions that the quality of service can be 'bought', and could potentially, lead to corruption or perception of corruption.”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

MOTION AS AMENDED CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

COUNCIL DECISION ITEM 10.1.6

That the Council;

- (i) *RECEIVES the report relating to the Department of Housing and Works Discussion Paper “Building Regulations 1989 – Review of Prescribed Fees”; and*
 - (ii) *ADVISES the Department of Housing and Works that the Council SUPPORTS IN PRINCIPLE the proposals contained in the Discussion Paper entitled “Building Regulations 1989 – Review of Prescribed Fees”, subject to the text under 'Ability to vary the building licence' is AMENDED as follows and ADDRESSED accordingly:*

‘a Local Government may charge a greater or lesser fee than that set out in the table in regulation 24, so long as the fee charged relates to the cost to the Local Government of services relating to the issue of a building licence, and a greater fee is justified.’; and
 - (iii) *EXPRESSES CONCERN that the way in which the 'ability to vary the licence fee' is expressed, could lead to perceptions that the quality of service can be 'bought', and could potentially, lead to corruption or perception of corruption.*
-

PURPOSE OF REPORT:

The Building Codes and Regulation Branch of the Department of Housing and Works (DHW) primarily provides advice to the Minister for Housing and Works, Director General, and the Department on building standards and regulatory matters and fulfils the state’s obligations under the Inter-Government Agreement on Building Regulation Reform.

Before making a recommendation to the Minister for Housing and Works on amending the Regulations, the Building Codes and Regulation Branch invites comments or suggestions from Local Governments in respect of the proposal.

On 15 September 2006, the Discussion Paper entitled “*Building Regulations 1989 – Review of Prescribed Fees*” along with proposals to clarify the Regulations or amend the fees, was circulated by the DHW Building Codes and Regulation Branch for public comment. The DHW required these comments to be received by 27 October 2006.

This report seeks comments from the Council to the DHW on the proposed review of Building Licence application fees, so the timeframe for lodging of comments could be met.

The Discussion Paper entitled “*Building Regulations 1989 – Review of Prescribed Fees*” is “*Laid on the Table.*”

DETAILS:

The Discussion Paper entitled “*Building Regulations 1989 – Review of Prescribed Fees*” can be plainly divided into three (3) main parts:

- To clarify the amount of Building Licence fee payable in respect of complex construction contracts involving complex contractual arrangements and complex facilities where contract prices consist of non-building elements which may statutorily be regulated by other authorities;
- To review the minimum fee payable for a Building Licence; and
- To clarify the wording of regulations in respect of private swimming pool inspection fees;

Summary of Existing and Proposed Fee Payable for Building Licences

Complex contract arrangements

The current Regulation 2(a) deals with construction work being carried out under a contract. While many contracts are for construction of a building only, it is also common for owners to procure facilities and buildings using more complex contracting arrangements, such as design-and-construct, turnkey, build-own-operate-transfer and the like. These contracts cover more than just the value of the building work, and it is inappropriate to charge a Building Licence fee on the full value of the contract in these cases.

Complex facilities

For the purposes of transparent liability and good value for money the DHW proposes to amend the Regulations, so that the Local Government only accepts liability for checking compliance with the Building Regulations. Thus, the fee charged should relate to the value of the building work that is regulated by the Local Government, and not the total value of the facility including elements that are not checked by the Local Government.

In general, Local Governments may issue Building Licences for complex facilities such as mines sites, industrial plant and processing facilities that include building elements or separate buildings as part of the facility. The building elements may be required to comply with the *Building Regulations 1989* and other elements, such as special machinery and equipment, may be regulated under other statutes such as the *Mines Safety and Inspection Act*, *Occupational Safety and Health Act* or the like.

Existing	Proposal
<p>Regulation 24:</p> <p>“(1) <i>The scale of fees set out in the Table to this regulation shall be chargeable by and received by a Local Government on an application for any licence, or for services to be rendered or provided under these regulations.</i></p> <p>(2) <i>For the purposes of item 1 of the Table to this regulation —</i></p>	<p>Clarification of the Fee Payable for Building Licences</p> <p>Contract Price</p> <p>“<i>The estimated value of the construction work shall be determined by the Local Government, taking into account:</i></p> <p>(a) <i>The value of any contract for carrying out all or part of the construction work;</i></p>

Existing	Proposal
<p><i>(a) where the construction work is to be carried out under a contract, the estimated value of the construction work shall be the contract price, where that price includes value for at least each of the components referred to in paragraph (b); and</i></p>	<p><i>(b) The breakdown or pricing of the construction work component of a contract that includes obligations in addition to construction work;</i></p> <p><i>(c) The fair value of the construction work where the work is not carried out under a contract, or where the contract does not provide for the work to be done at the proper commercial rate.</i></p>
<p><i>(b) where the construction work is carried out other than under a contract or under a contract the contract price for which does not include value for each of the following components, the estimated value of the construction work shall be the sum of the value of all goods (including manufactured goods) forming part of the construction work, labour, services necessary, fees payable, overheads to be met and profit margin.”</i></p>	<p><i>The value of construction work is the sum of the value of all goods and materials, equipment, labour, services, fees payable, overheads and profit which make up the construction work on which a fee is payable, but does not include the value of elements not checked for compliance with the Building Regulations by the Local Government, design and documentation, maintenance, insurance and financing costs, contents and chattels.”</i></p> <p>Non-Building Elements</p> <p><i>“The construction work on which a fee is payable is work covered by the Building Regulations and checked for compliance by the Local Government. It does not include mining works, civil engineering works, machinery, processing plant or structures that are not checked for technical compliance by the Local Government, or which are regulated under other legislation.</i></p> <p><i>Construction work does not include equipment or facilities installed in the building for the purpose of producing, assembling, altering, repairing, packing, finishing or cleaning of goods or produce for trade, sale, or gain.”</i></p>

Minimum Fee

Currently, Regulation 24 of the *Building Regulations 1989* does not permit a Local Government to charge a fee that is lower than the one determined by the table in that regulation. In other words, even if a fee calculated for a Building Licence application is found to be grossly in excess of the costs incurred by the Local Government, that Local Government would be in breach of the Regulations if it charged a lesser Building Licence application fee.

The proposed change would allow a Local Government flexibility to vary, either greater or lesser payable amount depending on the services and costs incurred by the Local Government in respect of the granting of a Building Licence.

The minimum fee of \$40 has not been reviewed since 1991. If the Regulations regarding Building Licence fees are to be amended as proposed, the minimum fee chargeable by Local Government for services associated with the issue of a Building Licence will be increased to \$100.

Existing		Proposal
Description	Fee	
“(a) For the issue of a building licence for a new building of Class 1 or 10 or for alterations or additions to an existing building of Class 1 or 10.	“0.35% of 10/11 of the estimated value of the proposed construction as determined by the Local Government, but not less than \$40.	Change to the Minimum Fee “The fees to be charged by a Local Government for a building licence shall be as set out in the table under regulation 24. The formulae in the table will not change, but the minimum fee should be increased from \$40 to \$100.”
“(b) For the issue of a building licence for a new building of a Class other than Class 1 or 10 or for alterations or additions to an existing building of a Class other than Class 1 or 10.”	0.2% of 10/11 of the estimated value of the proposed construction as determined by the Local Government, but not less than \$40.”	Ability to Vary the Licence Fee “With the consent of the applicant, a Local Government may charge a greater or lesser fee than that set out in the table in regulation 24, so long as the fee charged relates to the cost to the Local Government of services relating to the issue of a building licence.”

Notes:

Class 1: a sole-occupancy unit used for residential purposes not located over another residential unit.

Class 10: a non-habitable building, such as sheds, garages, carports, swimming pools, and the like.

Swimming Pool Inspection Fee

In 1992, the State Government established compulsory standards for pool security which requires Local Governments to inspect all private swimming pools safety barriers when a pool is first installed and then to re-inspect at least once in every four year period thereafter.

Section 245A (8) of the *Local Government (Miscellaneous Provisions) Act 1960* authorises Local Governments to fix a charge for carrying out prescribed inspections of swimming pool barriers.

The maximum amount of inspection fee is given in Regulation 38F of the *Building Regulations 1989*, this charge is currently \$55. Many Local Governments strongly believe that the \$55 maximum charge is inadequate to cover the cost of carrying out the required inspections.

A maximum inspection charge of \$100 is proposed. This fee is to be paid at the time of scheduled inspection, for example one payment of \$100 to cover a four year period, or an annual fee of \$25 irrespective of whether there is a programmed inspection in that particular year or not.

Existing	Proposal
<p>Section 245A (8) of the <i>Local Government (Miscellaneous Provisions) Act 1960</i>:</p> <p><i>“(8) A Local Government may, for a financial year, fix the charge to be imposed on each owner or occupier of land on which there is a swimming pool, to meet the estimated cost in that financial year of carrying out the inspections required by subsection (5)(aa), but the charge fixed</i></p> <p><i>a) shall not exceed the estimated average cost of carrying out inspections in that year; and</i></p> <p><i>b) shall not exceed the maximum charge, if any, prescribed by regulation.”</i></p> <p>Regulation 38 - Maximum Inspection Charge</p> <p><i>“38F. For the purposes of section 245A(8)(b) of the Act, the maximum charge is \$55.”</i></p>	<p>Swimming Pool Inspection Fee</p> <p><i>“The maximum charge to be imposed on each owner or occupier of land in which there is a swimming pool to meet the cost of inspections required by subsection (5)(aa) is:</i></p> <p><i>(i) an annual fee of \$25 per year; or</i></p> <p><i>(ii) an inspection fee of \$100 at the time of each inspection.</i></p> <p><i>Note however, the requirement in section 245(8) of the Act that the charge must not exceed the estimated average cost of carrying out inspections in the relevant year.”</i></p>

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

The Local Government (Miscellaneous Provisions) Act 1960 and the Building Regulations 1989.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010 Key Result Area Four: Governance and Management.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

There are a number of key aspects for the Local Governments to support the proposals for new building legislation, and these include the following:

- The proposed amendments, in terms of clarification of the “*estimated value of construction work*”, would certainly provide a contemporary framework for building regulatory control in Western Australia. The applicable fees for building permits will be attuned with the description of the actual proposed building works, aiming to establish a building control system that results in efficient, effective and quality outcomes for all involved in the building approval process particularly when assessing applications involving complex contracts and complex facilities.
- The proposed changes would also allow a Local Government flexibility to vary, either greater or lesser the payable amount depending on the services and costs incurred by the Local Government in respect of the granting of a Building Licence.
- In general, the proposed fee increases, for both building applications and swimming pool inspections, are justified on cost benefit grounds. These fees have not been increased since the early 1990s. Many Authority Services Providers in Western Australia, including Western Australian Planning Commission, Department of Land Information, Water Corporation, and the like have had its fees and charges raised in the past few years and these fees are reviewed on a yearly basis.

In light of the above, it is recommended that the Council receives and supports in principle the proposed Discussion Paper entitled “*Building Regulations 1989 – Review of Prescribed Fees*”.

10.1.7 Planning Control Area No. 88 – Charles Street, Town of Vincent

Ward:	Both Wards	Date:	3 October 2006
Precincts:	Cleaver, P5; Smith's Lake, P6; Charles Centre, P7; North Perth, P8; Hyde Park, P12; Beaufort, P13	File Ref:	PLA0066
Attachments:	001		
Reporting Officer(s):	A Denford		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the letter dated 13 September 2006 and associated documentation from the Western Australian Planning Commission (WAPC) advising of the recently declared Planning Control Area (PCA) No. 88 Charles Street, Town of Vincent, requesting that the enclosed documents are displayed at a place of convenience for public inspection for a period of one (1) month and then retained for public information for the five (5) year duration of the PCA as shown in Attachment 10.1.7; and*
- (ii) *ADVISES the Western Australian Planning Commission (WAPC) that:*
 - (a) *the Council commenced the display of documentation relating to Planning Control Area (PCA) No. 88 in the front foyer of the Town's Administration and Civic Centre on 21 September 2006, in accordance with the requests contained in the WAPC letter dated 13 September 2006;*
 - (b) *the documentation relating to Planning Control Area (PCA) No. 88 will cease to be publicly displayed in the front foyer of the Town's Administration and Civic Centre on 21 October 2006, in accordance with the requests contained in the WAPC letter dated 13 September 2006; and*
 - (c) *the documentation relating to Planning Control Area (PCA) No. 88 will be retained for public information for the five (5) year duration of the PCA in accordance with the requests contained in the WAPC letter dated 13 September 2006.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

PURPOSE OF REPORT:

The purpose of this report is to:

- Inform the Council of the contents of Planning Control Area (PCA) No. 88;
- Advise the Council that the documentation is currently being displayed in the front foyer of the Town's Administration and Civic Centre in accordance with the request of the Western Australian Planning Commission (WAPC); and
- Clarify the circumstances in which a development application is required to be referred to the Western Australian Planning Commission (WAPC) prior to determination by the Town of Vincent.

DETAILS:

General Description

On 12 September 2006, the Hon Minister for Planning and Infrastructure granted approval to the declaration of Planning Control Area (PCA) No. 88 over Charles Street in the Town of Vincent, as shown on Western Australian Planning Commission (WAPC) Plan Nos. 1.5163/1 and 1.5164/1. The Declaration Notice was published in the *Government Gazette* on 15 September 2006.

Purpose of the Planning Control Area (PCA)

Charles Street was the subject of Planning Control Area No 54, which expired on 7 August 2006. The declaration of Planning Control Area No 88 will renew the existing control measures over this area for a further five (5) year period. The Commission considers that the PCA is required to ensure that no development occurs on this land which might prejudice the future road widening of Charles Street, until it may be reserved for Primary Regional Roads in the Metropolitan Region Scheme (MRS).

Duration and Effects

The declaration remains in effect for a period of five (5) years from the date of publication of the notice in the *Government Gazette* or until revoked by the WAPC with approval from the Minister, whichever is sooner. A person shall not commence and carry out development in a Planning Control Area without the prior approval of the WAPC.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the WAPC in the same circumstances and in the same manner as if the land had been reserved in the MRS.

CONSULTATION/ADVERTISING:

The Town is requested to display the documents, free of charge, at a place of convenience for public inspection for a period of one (1) month and then retain the documentation for public information for the five (5) year period of the Planning Control Area.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

- “1.3 Develop, implement and promote sustainable urban design.*
- 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.”*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The WAPC considers that Planning Control Area (PCA) No. 88 is required to ensure that no further development occurs on lots with a Charles Street frontage until it is reserved for Regional Road purposes in the Metropolitan Region Scheme (MRS).

The PCA will have no direct impact on the subject land or the existing use of that land. The PCA is a 'control' measure and this means that future applications for development on lots within the PCA require the approval of both the Town of Vincent and the WAPC.

In general terms, PCA No. 88 requires an additional front setback distance of between 3.66 metres and 4.0 metres to be provided to lots in accordance with attached plan numbers 1.5163/1 and 1.5164/1. Should this requirement compromise the development potential of the land, compensation is payable by the WAPC.

As some of the lots within Planning Control Area No. 88 (Charles Street) have already had the front portion of the lot ceded as Primary Regional Roads in the Metropolitan Region Scheme (MRS), the following table clarifies the Town's requirements with respect to referring applications to the WAPC:

Development Proposal	MRS Approval Requirements
Lot within PCA No. 88 and proposed development is within PCA No. 88.	MRS approval by the WAPC is required.
Lot within PCA No. 88, however, the proposed development is not within PCA No. 88.	MRS approval by the WAPC is required.
Proposed development on lot not within PCA No. 88 or PCA land has been subsequently ceded under the MRS.	MRS approval by the WAPC is not required.

10.1.8 Progress Report No. 1 - Review of Practices Relating to Conditions on Demolition Approvals

Ward:	Both Wards	Date:	3 October 2006
Precinct:	All Precincts	File Ref:	PLA0086
Attachments:	-		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No. 1 - Review of Practices Relating to Conditions on Demolition Approvals.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

PURPOSE OF REPORT:

To provide an interim/progress report to the Council, in response to a Notice of Motion, which requested that the Town's Officers review the current practices regarding conditions on Demolition Approvals.

BACKGROUND/DETAILS:

The Council at its Ordinary Meeting held on 27 June 2006 considered a Notice of Motion relating to the subject matter, and resolved as follows:

"That the Council requests;

- (i) the Chief Executive Officer review the current practice regarding conditions for demolition to:
 - (a) more effectively encourage redevelopment and discourage lots being left vacant;*
 - (b) more effectively discourage dwellings being left in an uninhabitable, abandoned state;*
 - (c) provide some flexibility as to what constitutes "a redevelopment proposal" within developed definitive guidelines while achieving identified positive development outcomes;*
 - (d) identify means of the Town's intervening, taking action and recouping costs if the Town is not satisfied with situations arising from a demolition approval;**

- (e) *maintain the positive outcomes achieved (eg Wright Street) by the application of the current demolition conditions; and*
 - (f) *all of the above be considered in light, not only of policies pertaining to demolition, but also to the relevant Safer Vincent and Health policies;*
- (ii) *the report contain:*
- (a) *statistics and comments on the number of demolition applications per year for the past five years;*
 - (b) *the number of requests for deletion of conditions relating to submission of plans; and*
 - (c) *the number of appeals to the State Administrative Tribunal relating to demolition and the reasons; and*
- (iii) *a report back on the above matters within three (3) months."*

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The Town's relevant service areas have undertaken discussions to investigate the various issues contained in the subject Notice of Motion. The Town's Heritage Officers have spent most of their time on the Municipal Heritage Inventory Review, and have had limited opportunity to compile the requested statistics and address the subject Notice of Motion. The matter will be progressed and addressed in an Agenda report scheduled for an Ordinary Meeting of Council to be held in November 2006.

10.1.10 Title of Town of Vincent Local History Picture Book

Ward:	Both Wards	Date:	4 October 2006
Precinct:	All Precincts	File Ref:	
Attachments:	-		
Reporting Officer(s):	J Davidson		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES the title of "Our Town: Early Photographs from the Town of Vincent Local History Collection" for the Local Studies and History Section History Book.

COUNCIL DECISION ITEM 10.1.10

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

PURPOSE OF REPORT:

To report on the progress of the Local Studies and History Collection picture book and to propose that the title of "Our Town: Early Photographs from the Town of Vincent Local History Collection" be approved.

BACKGROUND:

At the Ordinary Meeting of Council held on 11 April 2006, the Council approved that:

- (i) the Town of Vincent Library/Local Studies and History section produce a coffee table book of photographs from the Local Studies Collection;
- (ii) a print run of 1,000 copies with some in soft cover and a limited number in hard cover and these to be numbered as part of a limited edition; and
- (iii) a provisional sum of \$20,000 be listed in the Draft 2006/2007 Budget for consideration.

DETAILS:

- The content of the book is almost finalised.
- The relevant pages will be posted out to contributors to ensure that the information is correct and to sign off on the use of the photographs in the book.
- Final proof reading will be undertaken once the information is confirmed.
- Three quotes have been requested from companies with experience in book printing to provide the artwork and printing.

- A title needs to be finalised in order that the Town may obtain an ISBN number and CIP (cataloguing-in-print) from the National Library to be included in the printed information at the front of the book. The proposed title is “*Our Town*” with a subtitle of “*Early Photographs from the Town of Vincent Local History Collection.*”
- A foreword from the Mayor will also be included.

CONSULTATION/ADVERTISING:

Not Required.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2005-2010:

Key Result Area One – Environment & Infrastructure

*“1.2. Recognise the value of heritage in providing a sense of place and identity.
Foster activities which add to the communities understanding of heritage values”*

The book encourages the community to become aware of its heritage and the value that is placed on it by the community. The images will educate the younger generations of the Town of Vincent in the history of the places, buildings and lifestyles of the previous generations. It will also foster a sense of pride and identity for the older generations. As the photographs and interview quotes will have come from the community there should be a sense of family pride and identity with the book and their place in the Town of Vincent.

Key Result Area Two – Community Development

“2.2. Celebrate and acknowledge the Town’s cultural diversity.”

The photographs and oral history excerpts will be from people with a variety of ethnic backgrounds and experiences.

FINANCIAL/BUDGET IMPLICATIONS:

An allocation of \$20,000 for the subject book is contained in the 2006/2007 Budget.

COMMENTS:

Once the title has been confirmed the Town may apply for an ISBN number which will take approximately one month. In the meantime the Town will proceed with selecting a printer and working on the layout and design of the cover. Final book prices will be calculated once a quote has been accepted.

10.2.1 Further Report – Proposed Traffic Calming Measures and Streetscape Enhancements – Fairfield Street between Scarborough Beach Road and Woodstock Street, Mount Hawthorn

Ward:	North	Date:	1 October 2006
Precinct:	Mount Hawthorn; P1	File Ref:	TES0334, TES0240 & PRO0266
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposed traffic calming measures and streetscape improvements in Fairfield Street, Mt Hawthorn, between Scarborough Beach Road and Woodstock Street, Mount Hawthorn;*
- (ii) *NOTES that;*
 - (a) *the developer of the Mount Hawthorn Shopping Centre has been requested to install appropriate advisory signage within the shopping centre car park to ‘direct’ motorists who wish to access Scarborough Beach Road, to Flinders Street and motorists who wish to travel east along Scarborough Beach Road to turn right at the Fairfield Street exit;*
 - (b) *appropriate advisory signage and coloured paving/line marking will be implemented to make it clear that trucks are to turn right and exit the shopping centre loading bay south to Scarborough Beach Road;*
 - (c) *relevant comments/requests resulting from the community consultation have been incorporated in the revised plan No 2361-CP-1C; and*
 - (d) *the developer of the Mount Hawthorn Shopping Centre has indicated they will be contributing \$24,800 towards the works along the Fairfield Street shopping centre frontage;*
- (iii) *APPROVES the implementation of the Fairfield Street Improvement proposal estimated to cost \$145,000 as outlined on the attached revised Plan No 2361-CP-1C;*
- (iv) *REFERS the following matters to the Town's Local Area Traffic management Advisory Group for Investigation / discussion;*
 - (a) *the feasibility/justification of installing a Roundabout at the intersection of Fairfield Street and Woodstock Street; and*
 - (b) *the feasibility of modifying the intersection of Fairfield Street and Scarborough Beach Road to accommodate a right turn from Fairfield Street into Scarborough Beach Road (currently restricted to left in left out);*
- (v) *RECEIVES a further report once the matters outlined in clause (iv) have been considered by the Town's Local Area Traffic management Advisory Group; and*
- (vi) *ADVISES all respondents of its decision and thanks them for their input.*

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Cr Messina advised that he would be required to declare a proximity interest in this Item. He withdrew as seconder of the Item and departed the Chamber at 6.38pm. He did not speak or vote on the matter.

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Chester

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

*“(iii) **APPROVES the implementation of the Fairfield Street Improvement proposal estimated to cost \$145,000 as outlined on the attached revised Plan No 2361-CP-1C subject to the trees adjacent to the carpark being planted four (4) metres apart providing there is no technical issues regarding this placing;**”*

Debate ensued.

AMENDMENT CARRIED (6-0)

(Mayor Catania and Cr Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (6-0)

(Mayor Catania and Cr Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (ii) **RECEIVES the further report on the proposed traffic calming measures and streetscape improvements in Fairfield Street, Mt Hawthorn, between Scarborough Beach Road and Woodstock Street, Mount Hawthorn;***
- (ii) **NOTES that;***
 - (a) **the developer of the Mount Hawthorn Shopping Centre has been requested to install appropriate advisory signage within the shopping centre car park to ‘direct’ motorists who wish to access Scarborough Beach Road, to Flinders Street and motorists who wish to travel east along Scarborough Beach Road to turn right at the Fairfield Street exit;***
 - (b) **appropriate advisory signage and coloured paving/line marking will be implemented to make it clear that trucks are to turn right and exit the shopping centre loading bay south to Scarborough Beach Road;***

- (c) *relevant comments/requests resulting from the community consultation have been incorporated in the revised plan No 2361-CP-1C; and*
- (d) *the developer of the Mount Hawthorn Shopping Centre has indicated they will be contributing \$24,800 towards the works along the Fairfield Street shopping centre frontage;*
- (iii) *APPROVES the implementation of the Fairfield Street Improvement proposal estimated to cost \$145,000 as outlined on the attached revised Plan No 2361-CP-1C subject to the trees adjacent to the carpark being planted four (4) metres apart providing there is no technical issues regarding this placing;*
- (iv) *REFERS the following matters to the Town's Local Area Traffic management Advisory Group for Investigation / discussion;*
 - (a) *the feasibility/justification of installing a Roundabout at the intersection of Fairfield Street and Woodstock Street; and*
 - (b) *the feasibility of modifying the intersection of Fairfield Street and Scarborough Beach Road to accommodate a right turn from Fairfield Street into Scarborough Beach Road (currently restricted to left in left out);*
- (v) *RECEIVES a further report once the matters outlined in clause (iv) have been considered by the Town's Local Area Traffic management Advisory Group; and*
- (vi) *ADVISES all respondents of its decision and thanks them for their input.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcomes of the recent community consultation undertaken regarding the Fairfield Street traffic calming and streetscape enhancement proposal.

BACKGROUND:

At its Special Meeting held on 20 June 2006, the Council received a further progress report on proposed traffic calming and streetscape enhancement measures being considered for Fairfield Street, Mt Hawthorn, between Scarborough Beach Road and Woodstock Street, where the following decision was adopted:

"That the Council;

- (i) *RECEIVES the further report on the proposed traffic calming measures and streetscape improvements in Fairfield Street, Mt Hawthorn, between Scarborough Beach and Woodstock Street;*
- (ii) *APPROVES IN PRINCIPLE the Fairfield Street Improvement proposal as outlined on the attached Concept Plan 2361-CP-1B;*
- (iii) *REQUEST the developer of the Mount Hawthorn Shopping Centre to install appropriate advisory signage within the car park to 'direct' motorists who wish to access Scarborough Beach Road, to Flinders Street and motorists who wish to travel east along Scarborough Beach Road to turn right at the Fairfield Street exit;*

- (iv) *NOTES that advisory signage and coloured paving/line marking will be implemented to make it clear that trucks from the loading bay should exit south to Scarborough Beach Road;*
- (v) *ADVERTISES the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation" inviting written submissions; and*
- (vi) *RECEIVES a further report on the proposal at the conclusion of the consultation period."*

DETAILS:

Community Consultation

In accordance with clause (v) of the Council's decision on 14 August 2006, 44 letters were distributed to residents along Fairfield Street, requesting their comments regarding the proposed improvement plan (Plan No 2361-CP-1B attached). A letter was also sent to the local precinct group and the consultation was posted on the Town's web site.

At the conclusion of the consultation period, nineteen (19) responses were received (43%) with:

- Twelve (12) *in favour* of the proposal (64% of respondents)
- Five (5) partially in favour (26% of respondents)
- Two (2) against (10% of respondents)

Related Comments *In Favour* of proposal:

- Would it be possible to plant 'water wise' plants in lieu of turf when extending/relocating kerb edge? The existing grass is low quality and we would happily replace with mulch and plants ourselves to match new additions. Assume that I will be able to park on the verge in front of my house to unload shopping etc. for a short time.
- We are requesting that the speed hump located at 66-68 Fairfield St be moved slightly (approx 1 metre) to the south so that two vehicles may be parked in front of 68 Fairfield St and one may be parked in front of 66 Fairfield St. No. 66 has a double driveway and only one parked vehicle could be accommodated there.
- Suggest that in widening the kerb you do not take up the full width of existing parking space on either side. The road past the temporary barrier installation is very narrow.
- I strongly support any traffic management measures which will reduce the speed and volume of traffic along Fairfield St. I believe that the extra cost involved in installing a roundabout at the intersection of Fairfield and Woodstock is well justified. Have had a number of near misses and witnessed a potentially fatal accident there. The hazards will only increase with the opening of the "Mezz".
- Generally in favour of proposal but have concerns over the lack of space for trucks using the Woolworths loading dock. Trucks frequently use our crossover in order to gain more reversing room, which would indicate that the heavy traffic asphalt should extend to outside our drive (48A). Would like clear signage and line marking to indicate this is a No Parking zone. Currently vehicles are constantly parking in the No Parking area making it even more difficult for trucks entering/leaving the loading dock. With the loss of parking from 48 to 56, people will continue to park in the No Parking area from 40 to 44. Is it feasible to introduce cross-marking or other marking so it is clear this is a No Parking zone as the current signs and limited road markings appear to have no impact.
- Five (5) *in favour* with no comments.

Officer's Comments

Water wise plantings: SUPPORTED. It is intended that the plantings adjacent to the carpark and along the verge consist of water wise species and be irrigated with a sub-surface reticulation system.

Speed Hump o/s Nos 66 and 68: SUPPORTED. Speed hump location has been altered as requested. Plan has been revised to accommodate this request.

Kerb widening: SUPPORTED. The design has been modified to accommodate this. Where the kerb line is proposed to be moved out into the carriageway, the carriageway width will be 6.50m instead of the originally proposed 5.80m.

Request of Roundabout at Fairfield/Woodstock: FURTHER INVESTIGATION REQUIRED. This can be investigated, however, it does not form part of the current proposal.

Delineation of no stopping areas (between Nos 40 and 48): SUPPORTED: The proposed lining and signage in this zone will be strengthened to reinforce compliance. Rangers will be requested to monitor on a more regular basis.

Related Comments Partially In Favour of proposal

- No need for 2 loading zones outside our building on the corner of Fairfield St. It will reduce on-street parking which is already limited and will increase the instances of the public parking in our carpark which only has limited bays. We have a constant problem with the public using our parking bays even though we have a sign up. The loading zones can go in front of the shopping complex parking on Fairfield St as all delivery trucks have to reverse into the loading bay.
- Would appreciate speed bumps rather than islands - less work for you and slows traffic better than a roundabout.
- Overall we feel this is a good proposal. When we first had discussions with the developers they assured us the concrete carpark would not be an eye sore because there would be extensive screening. We are concerned that this would not be possible for the area in front of 58 & 60 Fairfield St because the footpath runs alongside the carpark. Could the path be moved to run by the side of the kerb so that screening plants could be planted? We were also assured by the developers that the local residents would have input in the landscaping/screening plans - in fact this was part of planning approval. Could plans be shown to local residents for comment?
- In the main we concur with the proposal but have a few concerns. A major concern is the screening between our houses and the carpark. Council approval stated consultation would be undertaken with the residents. Hawaiian assured us in the early stages that mature trees and not low level shrubs would be planted along the car park walls but this would be done via consultation with the residents living opposite. Please consider our initial request that mature trees will be planted along the whole length of the car park wall, giving full height screening. We request that the dogleg to the old footpath be positioned further north along Fairfield St to enable mature tree screening to continue to where it is most needed.
- No street parking in front of No. 48 - where do our guests park? Speed hump in front of bedroom window - concerned about noise level. A number of mature trees have been removed and we would like mature trees to be replanted to fit in with the existing landscape, especially in front of new car park. Woolworths loading bay to be beautified.

Officer's Comments

Why two loading zones: PARTIALLY SUPPORTED. The proposed two loading zones either side of the existing crossover on the west side of Fairfield St at the Scarborough Beach Road end are designed to allow trucks to queue prior to reversing into the loading dock. Currently this occurs further along Fairfield Street. The proposed narrowing of the carriageway between Nos 44 and 59 Fairfield Street will result in delivery vehicles being unable to park temporarily in that section of street. The proposed two loading zones will confine delivery vehicles to the 'non residential' end of the street. This can be monitored and if only one loading zone is considered necessary, this can be reviewed at a later date.

Speed Hump and no islands: NOT SUPPORTED. The islands being referred to are the proposed small nibs adjacent to the proposed speed humps. An overall narrowing of the carriageway is required to improve the residential amenity of the street and the nibs will assist in achieving this aim.

Footpath against kerb/screening: SUPPORTED. The design has been modified to accommodate this. A meeting with residents was held on site on 8 September 2006, where the landscape concept plan was discussed with residents and alternative options identified in terms of additional trees, plant species and their specific form, height etc.

Officer's Comments (continued)

Changes to the plan have been verbally approved by the developers and the Town will be undertaking the landscaping in due course.

Further comments Footpath against kerb/screening: SUPPORTED. The design has been modified to accommodate this.

On street parking o/s No 4 speed hump location: PARTIALLY SUPPORTED. The speed hump has been moved further to the north. Visitors will be able to park on the verge outside No 48.

Concerns were raised that the crossover to No 48 is used by delivery vehicles. This has been addressed on the plan by moving the kerb line further out to discourage this. Screening plants (Grevilleas) were agreed as being an acceptable species for planting to screen off the carpark. In addition, it was agreed that street trees planted at approximately 8 metre centres should be planted along the verge adjacent to the development. The species agreed upon was the Bradford Pear which is being proposed for the upgrade of Scarborough Beach Road.

Related Comments Against the proposal

- Thanks for the opportunity to comment. Are trucks to U-turn or reverse? I think it would be preferable to U-turn as the beeping whilst reversing contributes to noise pollution at 4.00 am onwards each morning. Think it would be preferable to have a drive through loop using the verge instead as when the truck drives in the rear of it will face the loading dock conveniently.
- If the intersection of Scarborough Beach Road and Fairfield St was made traffic friendly for access to the shopping centre car park and deliveries, there would not be extra traffic in the top part of Fairfield St. This existing system has never been a success. Our house in on 1.5 lot and is much lower than the road. We strongly object to speed humps as shown.

Officer's Comments

Trucks accessing loading dock: NOT PART OF CURRENT PROPOSAL - TO BE FURTHER INVESTIGATED. The shopping centre loading dock is existing and will not change. The Streetscape / traffic management proposal relates to the road reserve and has been designed to facilitate trucks being able to park in loading zone/s and do a 'u' turn to exit via Scarborough Beach Road.

Intersection design / Speed Hump: SUPPORTED. Speed hump location has been altered as requested. Plan has been revised to accommodate this request. The Streetscape / traffic management proposal has been designed to facilitate trucks do a 'u' turn to exit via Scarborough Beach Road.

Comments / Conclusion

The majority of respondents were either in favour or partially in favour of the proposal. The design has been revised to incorporate the majority of issues raised by the respondents.

CONSULTATION/ADVERTISING:

The proposal was advertised to the residents of Fairfield Street, Scarborough Beach Road to Woodstock Street, and the Mt Hawthorn Precinct Group, for a period of twenty one (21) days in accordance with Council Policy No. 4.1.21 "Community Consultation". The respondents will be advised of the Council's decision.

LEGAL/POLICY:

Fairfield Street is under the care control and management of the Town.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2006/2007 budget includes funds totalling \$125,000 to implement the improvement works in Fairfield Street.

The estimated cost of the proposal is \$145,000.

As previously reported to the Council, Hawaiian Developments have indicated that they will contribute up to \$24,800 towards the project, being the funds they had allocated for landscaping, reticulation and brick paving along the Fairfield Street frontage of the shopping centre.

COMMENTS:

The discussions the LATM Advisory Group has had with the residents of Fairfield Street at its meetings of 20 June 2005 and 11 May 2006 respectively, provided a good foundation on which to develop a comprehensive Fairfield Street traffic management and streetscape enhancement plan.

The recent community consultation resulted in the majority of respondents being either in favour or partially in favour of the proposal and the design has been revised to incorporate the majority of issues raised by the respondents.

It is therefore recommended that the proposal as outlined on plan No 2361-CP-1C be implemented and that the respondents be advised of the Council's decision.

10.2.3 Proposal for the Town to be Part of the *Men of the Trees* Carbon Neutral Program

Ward:	Both	Date:	4 October 2006
Precinct:	All	File Ref:	ENS0027
Attachments:	001		
Reporting Officer(s):	J Lockley		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECIEVES the report on the proposal for the Town to be part of the Men of the Trees, Carbon Neutral Program;*
- (ii) *NOTES that a total of 875 Tonnes of carbon dioxide is produced annually by the Town's vehicle fleet and a total of 3,790 trees would be required to be planted annually, as part of the program, at a cost of \$8,795 per annum to counteract the Town's carbon dioxide emissions;*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY the expenditure of \$4,280 from a source to be identified by the Chief Executive Officer, for the Men of the Trees to plant 1,899 trees, at sites which are deemed to be high priority due to salinity or other environmental problems, to counteract the Town's annual diesel emissions for 2006/2007;*
- (iv) *LISTS for consideration in the 2007/2008 draft budget and subsequent budgets an amount of \$8,600 to fully implement the Carbon Neutral Program;*
- (v) *REQUESTS that the Men of the Trees, in liaison with the Town's officers, encourage/notify staff of the Town, community groups and the Town's residents to be involved in the organised planting of the trees at the chosen locations; and*
- (vi) *Receives further reports as required on the progress of the planting program.*

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Cr Messina returned to the Chamber at 6.45pm.

Moved Cr Ker, Seconded Cr Chester

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

- “(v) *REQUESTS that the Men of the Trees, in liaison with the Town's officers, encourage/notify the Mayor, Elected Members and staff of the Town, community groups and the Town's residents to be involved in the organised planting of the trees at the chosen locations;*

- (vii) *NOTES that this initiative supplements, and does not replace, initiatives to reduce the use of non- renewable energy by the Town in its operations."*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

Cr Chester commended the Town's Officer for their initiative in bringing this matter before the Council.

Moved Cr Ker, Seconded Cr Chester

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

- "(iv) LISTS for consideration in the 2007/2008 draft budget and subsequent budgets an amount of \$8,600 to fully implement the Carbon Neutral Program and investigates the feasibility and cost of applying the Program to all fuel used by the Town's motor vehicles;"*

AMENDMENT CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

MOTION AS AMENDED CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECIEVES the report on the proposal for the Town to be part of the Men of the Trees, Carbon Neutral Program;*
- (ii) *NOTES that a total of 875 Tonnes of carbon dioxide is produced annually by the Town's vehicle fleet and a total of 3,790 trees would be required to be planted annually, as part of the program, at a cost of \$8,795 per annum to counteract the Town's carbon dioxide emissions;*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY the expenditure of \$4,280 from a source to be identified by the Chief Executive Officer, for the Men of the Trees to plant 1,899 trees, at sites which are deemed to be high priority due to salinity or other environmental problems, to counteract the Town's annual diesel emissions for 2006/2007;*
- (iv) *LISTS for consideration in the 2007/2008 draft budget and subsequent budgets an amount of \$8,600 to fully implement the Carbon Neutral Program and investigates the feasibility and cost of applying the Program to all fuel used by the Town's motor vehicles;*
- (v) *REQUESTS that the Men of the Trees, in liaison with the Town's officers, encourage/notify the Mayor, Elected Members and staff of the Town, community groups and the Town's residents to be involved in the organised planting of the trees at the chosen locations;*

- (vi) *Receives further reports as required on the progress of the planting program; and*
 - (vii) *NOTES that this initiative supplements, and does not replace, initiatives to reduce the use of non- renewable energy by the Town in its operations.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Carbon Neutral Program which is available through *Men of the Trees*, to offset the carbon emissions created from the Town's vehicle fleet.

BACKGROUND:

With the rise in awareness of Global Warming, scientists warn us that carbon dioxide (CO₂) is causing increasing levels of atmospheric carbon which is leading to accelerated climate change. A way to reduce the pace of global warming is to reduce the carbon emissions and plant trees to reduce the greenhouse gases effects.

To reduce the amount of carbon dioxide entering the atmosphere, possible options are to choose smaller cars and engines, share rides more often and plan many trips in the one run. It is apparent however that these things are not always achievable, therefore, other means of reducing the impact on the environment must be sought.

The *Men of the Trees* Carbon Neutral Program will allow the Town to off-set the emissions generated from its vehicle fleet to reduce the Town's contribution to the Greenhouse Gases. Trees are planted on farmland in the Western Australian wheat belt to off-set the emissions, which will help the Town become more sustainable. The Carbon Neutral Program is also available to offset the energy used in the council buildings.

To join the *Men of the Trees* Carbon Neutral Program (as many other Local Government's and private organisations have already done) the Town would be required to pay for trees indigenous to the province to be planted to sequester the carbon dioxide that each of the Town owned vehicles produce every year.

DETAILS:

The Australian transport sector accounts for 76.3 million tonnes of Australia's total net greenhouse gas emissions, representing about 14.3 per cent of Australia's total annual emissions.

The RAC reports that each year an average Australian motor vehicle uses 1,920 litres of fuel, emitting more than 4 tonnes of carbon dioxide that contributes to Global Warming and climate change. For every litre of petrol used two (2) kilograms of carbon dioxide is released from the exhaust.

To join the *Men of the Trees* program the Town would pay an annual fee for the amount of trees required to offset the emissions each fleet vehicle produces annually, calculated from the amount of fuel purchased.

The Town has a number of fleet vehicles including maintenance and waste management trucks that are essential to the Town's operations. Joining the Carbon Neutral Program is an effective way to combat greenhouse gas emissions.

Benefits of joining the Carbon Neutral Program

The Carbon Neutral Program plantings are 'Kyoto compliant', with the measurement of carbon uptake from the trees planted being in line with emerging international standards.

The benefits of planting trees in the Carbon Neutral Program include:

- The restoration of atmospheric oxygen
- Trees sequester and absorb carbon dioxide, trap it and use it to grow
- Control and combat salinity and improve soil conditions
- Reduce wind and water erosion
- Regulate and cleanse water
- Provide habitat, food and timber

Organisations that already belong to the Carbon Neutral Program

Some of the other organisations that have already joined the *Men of the Trees* include:

- Armadale Redevelopment Authority
- City of Belmont
- City of Mandurah
- City of Stirling
- City of Nedlands
- Bio Concepts Pty Ltd
- Curtin University of Technology
- Cullen Wines

Where the trees are planted?

Trees are planted at sites which are deemed to be high priority due to salinity or other environmental problems. Trees may be planted by various members of the organisation or associated community groups. Tree plantings involving company staff can be organised and are encouraged.

The trees will grow for a minimum of thirty (30) years under a written agreement. Once the minimum thirty (30) years is achieved, the woodlands reach a climax and become carbon neutral themselves. After this stage it may be possible to remove and use some of the biomass for many different purposes and new seedlings planted.

Note: While the Town plants a number of trees annually as part of its streetscape improvements etc, it is considered that the Carbon Neutral Program planting of specific trees indigenous to the province "on mass" in areas of salinity or other environmental problems is not only helping to counteract CO2 emissions but also improve environmental degradation.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1 Protect and enhance the environment and biodiversity. "(f)Introduce measures to reduce greenhouse gases and raise public awareness through education programs on environmental issues."

FINANCIAL/BUDGET IMPLICATIONS:

Calculations are made by either:

- Fuel combustion emission factor - the emissions from burning the fuel; or
- Full cycle emission factor - the emissions from burning the fuel plus emissions from extraction/ production of the fuel (*adds approx 12% to fuel combustion emissions*)

Full cycle is the most realistic method as it includes all emissions from the usage of the fuel. *The website calculator uses full cycle emission factors.*

One hectare of trees (1,000 trees) soaks up 10 tonnes of CO₂ per annum x 30 years therefore:

- 1x tree soaks up 0.3 tonne over 30 years
- 1 x tonne of CO₂ requires approximately 4.3 trees

Fuel Type	Total Annual fuel consumption litres	Total TCO ₂ (Tonnes per annum)	Total CNT to offset	Total cost to plant trees per annum (excl GST)
Diesel	146,106	438	1,899	\$4,280.00
Petrol	95,537	268	1,159	\$2,635.00
LPG	93,904	169	732	\$1,664.00
	335,547	875	3,790	\$8,579.00

D = Litres of diesel TCO₂ = Tonnes of carbon dioxide CNT = Carbon Neutral Trees
P = Litres of petrol
LPG = Litres of LP gas

Therefore the total annual cost of offsetting the Town's emissions from all its vehicle fleet has been calculated at \$8,579.00 per annum.

COMMENTS:

As mentioned in the report, with the rise in awareness of Global Warming, scientists warn us that carbon dioxide (CO₂) is causing increasing levels of atmospheric carbon which is leading to accelerated climate change. One viable way to reduce the pace of global warming is to reduce carbon emissions by planting trees to reduce the greenhouse gases effects.

The *Men of the Trees* Carbon Neutral Program will allow the Town to off set the emissions generated from its vehicle fleet to reduce the Town's contribution to the Greenhouse Gases.

As mentioned the trees would be planted on farmland in the Western Australia Wheat belt at locations which are deemed to be high priority due to salinity or other environmental problems.

With the dire predictions of what long term climate change, brought about by global warming, could mean for the planet, it is considered essential that the Town be proactive in ensuring that its operations have as little impact as possible in contributing to climate change.

It is therefore recommended that the Council approve of this project.

10.4.3 Information Bulletin

Ward:	-	Date:	4 October 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 10 October 2006, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

At 6.53pm Cr Ker referred to Item 10.1.5 which was passed “*en bloc*” and sought leave to introduce the following subsequent motion for consideration by the Council.

SUBSEQUENT MOTION:

Moved Cr Ker, Seconded Cr Chester

That a report be prepared and submitted to Council before the end of November 2006 on the appropriate planning committee structure and membership to best support the interests of the Town and its residents and ratepayers.

Debate ensued.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

DETAILS:

The items included in the Information Bulletin dated 10 October 2006 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Margaret Smith, Manager Approval Services City of Perth. 71 (Lot 199) Edward Street, East Perth – Proposed Removal of Operational Time Restrictions for Concrete Batching Plant.
IB02	Letter from the State Administrative Tribunal attaching orders made on 14 September 2006. Iles Investments Pty Ltd v Town of Vincent DR 160 of 2006.

ITEM	DESCRIPTION
IB03	Letter from the State Administrative Tribunal attaching orders made on 14 September 2006. Jones v Town of Vincent DR 164 of 2006.
IB04	Letter from Minister for Local Government and Regional Development – Local Government Amendment Bill 2006
IB05	Letter from Western Power – New Policies for Placement of Power Poles in Road Reserves
IB06	Local Area Traffic Management Advisory Group – Minutes of Meeting held on 22 June 2006
IB07	Safer Vincent Crime Prevention Partnership – Minutes of Meeting held on 5 September 2006
IB08	Members Equity Stadium Management Committee – Minutes of Meeting held on 24 August 2006
IB09	Members Equity Stadium Management Committee – Minutes of Meeting held on 4 October 2006
IB10	Register of Petitions – Progress Report – October 2006
IB11	Register of Notices of Motion – Progress Report – October 2006
IB12	Register of Reports to be Actioned – Progress Report – October 2006
IB13	Register of Legal Action
IB14	Register of State Administrative Tribunal Appeals
IB15	Forum Notes – 19 September 2006
IB16	Forum Advice – 17 October 2006
IB17	Metropolitan Native Title Claim – Progress Report No. 2

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Ian Ker – Consideration of the Western Australian Local Government Association (WALGA) – Central Zone Resolution Relating to a Proposed Amendment to the Local Government Act Concerning the Method of Voting in Local Government Elections

That the Council;

- (i) *ENDORSES the following resolution passed unanimously by the Central Zone of the Western Australian Local Government Association on Thursday 28 September;*

“Central Zone Resolution

That the Zone deplors the high handedness of the State Government in introducing the proposed changes to the current method of voting in Local Government elections without any consultation or communication with Local Government.

1. *The Central Metropolitan Zone is totally opposed to the proposed changes.*
 2. *That all Councils immediately write to the Minister for Local Government, local MPs and members of the Legislative Council opposing the changes and the actions of the Government.*
 3. *That WALGA conduct a media campaign (including newspaper advertising) to raise community awareness about the implications of the proposed changes.*
 4. *That the proposed changes will politicise Local Government elections and are contrary to the good governance of local communities.*
 5. *That the State Government immediately justify the reasons for proposing the change and why the amendment has been introduced with such urgency, when it is contrary to the expressed wishes of the Western Australian Local Government Association, the majority of its member Councils and the recommendations of the Local Government Advisory Board (LGAB).”;* and
- (ii) *WRITES to the Minister for Local Government, local Members of Parliament and members of the Legislative Council expressing its opposition to the proposed change to the method of voting for local governments elections and its introduction into Parliament despite the clear wishes of local governments and the recommendations of the Local Government Advisory Board.*

Moved Cr Ker, Seconded Cr Lake

That the motion be adopted.

Debate ensued.

Cr Ker withdrew the Notice of Motion as it stands and advised that he would be moving an amended Notice of Motion.

Moved Cr Ker, Seconded Cr Chester

That the Council;

- (i) *NOTES the following resolution passed unanimously by the Central Zone of the Western Australian Local Government Association on Thursday 28 September;*

“Central Zone Resolution

That the Zone deplores the high handedness of the State Government in introducing the proposed changes to the current method of voting in Local Government elections without any consultation or communication with Local Government.

1. *The Central Metropolitan Zone is totally opposed to the proposed changes.*
 2. *That all Councils immediately write to the Minister for Local Government, local MPs and members of the Legislative Council opposing the changes and the actions of the Government.*
 3. *That WALGA conduct a media campaign (including newspaper advertising) to raise community awareness about the implications of the proposed changes.*
 4. *That the proposed changes will politicise Local Government elections and are contrary to the good governance of local communities.*
 5. *That the State Government immediately justify the reasons for proposing the change and why the amendment has been introduced with such urgency, when it is contrary to the expressed wishes of the Western Australian Local Government Association, the majority of its member Councils and the recommendations of the Local Government Advisory Board (LGAB).”; and*
- (ii) *WRITES to the Minister for Local Government, local Members of Parliament and members of the Legislative Council expressing its concern at the introduction into Parliament of changes to the method of voting without consultation with local government and despite the clear wishes of local governments and the recommendations of the Local Government Advisory Board.*

Debate ensued.

The Presiding Member advised that the Notice of Motion would be considered in two parts.

Clause (i) was put.

Clause (i) 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 and Cr Torre were apologies.)

Clause (ii) was put.

Clause (ii) CARRIED (5-2)

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

(Mayor Catania and Cr Torre were apologies.)

COUNCIL DECISION ITEM 11.1

That the Council WRITES to the Minister for Local Government, local Members of Parliament and members of the Legislative Council expressing its concern at the introduction into Parliament of changes to the method of voting without consultation with local government and despite the clear wishes of local governments and the recommendations of the Local Government Advisory Board.

BACKGROUND INFORMATION:

“MEDIA RELEASE by Bill Mitchell, President, WALGA

*Preferential Voting - Local Government Votes No
2006-09-27*

An amendment to the Local Government Act tabled in Parliament today proposes the current ‘first past the post’ voting system used in Local Government elections be changed to a preferential voting system.

This is contrary to both the expressed wishes of the Western Australian Local Government Association, the majority of its member Councils and the recommendations of the Local Government Advisory Board (LGAB).

The current system of ‘first past the post’ voting was introduced with the 1995 Local Government Act and in its report into electoral reform in November 1995 the LGAB recommended this system be retained (2.5, p 175).”

11.2 Notice of Motion – Cr Ian Ker – Review of Road Reserves

That Council;

- (i) *NOTES that:*
- (a) *widening reservations on arterial roads in the Town can present substantial problems in integrating redevelopment with existing development, often in conflict with the principles of crime prevention through environmental design, as espoused in the WA Government's Designing Out Crime guidelines (June 2006);*
 - (b) *widening of many of these roads cannot be achieved without wide scale demolition of existing properties, many of which are valued, individually or collectively, by the community for their contribution to the character and sense of place of the Town of Vincent;*
 - (c) *construction of the Graham Farmer Freeway has resulted in substantial redistribution of traffic within the Town and the planned widening of Great Eastern Highway has the potential to reduce traffic on Guildford Road and roads in the Town that receive traffic from Guildford Road;*
 - (d) *road reservations in the Metropolitan Region Scheme were last reviewed in 1991, since when:*
 - (1) *the State Government has developed and adopted targets and strategies for reducing reliance on the private car in Perth, including the Metropolitan Transport Strategy (1995) and Network City (September 2004); and*
 - (2) *it has become generally accepted that global production of oil will peak in the next decade and then decline, with consequent increases in the price of petrol and uncertainty of supply;*
- (ii) *REQUESTS the Western Australian Planning Commission, as a matter of urgency, to review the widening reservations on Important Regional Roads in the Town, having regard to the changes noted above and any other relevant factors. These roads are:*
- (a) *Loftus Street;*
 - (b) *London Street;*
 - (c) *Vincent Street (Leederville Parade to Bulwer Street);*
 - (d) *Bulwer Street)properties adjacent to major intersections – Fitzgerald, William and Beaufort Streets);*
 - (e) *Fitzgerald Street;*
 - (f) *Walcott Street (boundary road with City of Stirling);*
 - (g) *Lord Street;*
 - (h) *Beaufort Street;*
 - (i) *William Street;*
 - (j) *Guildford Road (boundary road with City of Bayswater);*
 - (k) *East Parade (Main Roads WA road);*
 - (l) *Charles Street (Main Roads WA road); and*

- (iii) *WRITES to the City of Stirling (in respect of Walcott Street), City of Bayswater (in respect of Guildford Road) and Main Roads WA (in respect of East Parade and Charles Street) advising them of this request to the WAPC.*
-

COUNCIL DECISION ITEM 11.2

Moved Cr Ker, Seconded Cr Messina

That the motion be adopted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

11.3 Notice of Motion – Cr Ian Ker – Review of Policies Relating to Maintenance and Use of Verges

That the Council;

- (i) *as part of its review of the maintenance and use of verges, investigates ways of encouraging and assisting property owners and residents to maintain street verges in ways that retain and enhance their aesthetic contribution to streetscapes whilst minimising water usage; and*
- (ii) *REQUESTS that the City of Fremantle policy - Verge Beautification Program, should be specifically considered as part of the review.*

Moved Cr Ker, Seconded Cr Messina

That the motion be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

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

- “(iii) INVESTIGATES ways to landscape verges, in particular narrow verges, without contributing to storm water pollution.”*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

Debate ensued.

Cr Messina departed the Chamber at 7.25pm.

MOTION AS AMENDED CARRIED (6-0)

(Mayor Catania and Cr Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 11.3

That the Council;

- (i) *as part of its review of the maintenance and use of verges, investigates ways of encouraging and assisting property owners and residents to maintain street verges in ways that retain and enhance their aesthetic contribution to streetscapes whilst minimising water usage; and*
- (ii) *REQUESTS that the City of Fremantle policy - Verge Beautification Program, should be specifically considered as part of the review; and*
- (iii) *INVESTIGATES ways to landscape verges, in particular narrow verges, without contributing to storm water pollution.*

BACKGROUND INFORMATION:

The following is a copy of the City of Fremantle's Verge Beautification Program:

"The City of Fremantle has implemented a Verge Beautification Program throughout the city. The aim of the program is to green verges in the City with native plants that have a low water demand to reduce water use and costs associated with mowing grassed verges.

As part of the program, the City of Fremantle offers subsidised native groundcover plants for verges in Fremantle. At the time of writing (December 2003), residents can pay \$5.00 for approximately \$13.00 worth of plants. City of Fremantle also supply free mulch and free street trees to residents to assist with the establishment of the native verge garden.

Recently completed Verge Beautification areas include Wray Avenue, Fremantle and Russell Street, Fremantle.

Example of Verge Beautification



At the Ordinary Meeting of Council held on 8 August 2006, the Council considered Item 10.2.1 - Proposed Northbridge Landscape Restoration Plan. The matter was deferred to allow for discussions with East Perth Redevelopment Authority and additional conditions to be determined. A subsequent motion was adopted by the Council *"That the Town's policy relating to Verge Maintenance and the Use of Verges be reviewed."*

11.4 Notice of Motion – Cr Dudley Maier – Decision of the State Administrative Tribunal Relating to 412 – 414 Fitzgerald St, North Perth (Matter Numbers: DR 123 of 2006 and DR 124 of 2006)

That the Council REQUESTS that the Chief Executive Officer provide a report to Council concerning the decision of the State Administrative Tribunal relating to 412 – 414 Fitzgerald St, North Perth (Matter Numbers: DR 123 of 2006 and DR 124 of 2006) and the report should include, but not be limited to:

- *the actions taken by the Town's staff in relation to this matter;*
- *the Town's cost for defending the appeal as well as the costs awarded against the Town; and*
- *the steps that have been taken to ensure that a similar situation does not occur in the future.*

COUNCIL DECISION ITEM 11.4

Moved Cr Maier, Seconded Cr Ker

That the motion be adopted.

Cr Messina returned to the Chamber at 7.26pm.

Debate ensued.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil

13. URGENT BUSINESS

Nil

At 7.32pm Moved Cr Messina, Seconded Cr Doran-Wu

That the meeting proceed "behind closed doors" to consider Confidential Item 14.1 as it contains legal advice obtained, or which may be obtained by the Town.

Debate ensued.

CARRIED (6-1)

<u>For</u> Deputy Mayor - Cr Farrell Cr Chester Cr Doran-Wu Cr Ker Cr Lake Cr Messina	<u>Against</u> Cr Maier
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(Mayor Catania and Cr Torre were apologies.)

Journalists Brendan Foster and Lindsay McPhee left the meeting. No members of the public were present.

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

14.1 CONFIDENTIAL REPORT - No. 396 (Lot Pt 116 D/P: 3002) Charles Street, Corner Mabel Street, North Perth- Proposed Partial Demolition of and Alterations and Additions to Existing Shop (Beauty Salon) - State Administrative Tribunal - Review Matter No. DR 283 of 2006 - Direction Hearing

Ward:	North	Date:	29 September 2006
Precinct:	North Perth; P08	File Ref:	PRO2811; 5.2006.90.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
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 SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 283 of 2006, the proposed Partial Demolition of and Alterations and Additions to Existing Shop (Beauty Salon), at No. 396 (Lot Pt 116 D/P: 3002) Charles Street, corner Mabel Street, North Perth, and as shown on plans stamp-dated 28 April 2006, subject to the following conditions:

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

- (ii) *prior to issue of a Building Licence, revised plans shall be submitted and approved demonstrating car bay 5 being increased to a minimum of 2.7 metres in width. All car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking". The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) *any new signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) *the floor areas shall be limited to a maximum of:*
- (a) *192 square metres of gross floor area for the shop component; and*
- (b) *26 square metres of gross floor area for the office component;*
- Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (v) *doors, windows and adjacent floor areas fronting Charles and Mabel Streets shall maintain an active and interactive relationship with these streets;*
- (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- ~~(vii) *the new car bays on the Mabel Street verge do not form part of this approval and require further investigation and approval by the Town's Technical Services at the crossover approval stage;*~~
- (vii) *prior to the first occupation of the proposed additional floor space, the proposed modifications on the Mabel Street verge, including the proposed crossover are to be constructed to the satisfaction of the Town's Technical Services Division with all costs associated with the work within the Mabel Street road reserve adjacent to the subject site being borne by owners/applicant;*
- (viii) *prior to the issue of a Building Licence for the proposed fence adjacent to Charles Street, the support/approval of the Department for Planning and Infrastructure and/or the Western Australian Planning Commission shall be obtained, and its comments and conditions shall be complied with in relation to the proposed fence adjacent to Charles Street; and*
- (ix) *prior to the issue of a Building Licence for the proposed fence adjacent to Charles Street, revised plans shall be submitted and approved demonstrating 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, 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 adjacent to the Charles Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (x) *the applicant/owner is also required to obtain the necessary approval of the Western Australian Planning Commission under the Metropolitan Region Scheme, as the development is within the Planning Control Area No. 88 (previously No. 54) Charles Street, Town of Vincent.*

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

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

LOST (1-6)

For
Cr Maier

Against
Deputy Mayor - Cr Farrell
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Messina

(Mayor Catania and Cr Torre were apologies.)

Reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.
2. The increased intensity of the use will have a negative impact on the amenity of the surrounding residential area.
3. In consideration of the objections received in relation to the proposed development and the complaints received with respect to the existing shop.
4. The additional information provided by the applicant does not address the Council's concerns.

ALTERNATIVE RECOMMENDATION:

Moved Cr Ker, Seconded Cr Messina

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 283 of 2006, the proposed Partial Demolition of and Alterations and Additions to Existing Shop (Beauty Salon), at No. 396 (Lot Pt 116 D/P: 3002) Charles Street, corner Mabel Street, North Perth, and as shown on plans stamp-dated 28 April 2006, for the following reasons:*
 - (a) *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *The increased intensity of the use will have a negative impact on the amenity of the surrounding residential area;*
 - (c) *In consideration of the objections received in relation to the proposed development and the complaints received with respect to the existing shop; and*
 - (d) *The additional information provided by the applicant does not address the Council's previous concerns; and*
- (ii) *should the matter process to formal hearing in the SAT, Council will be represented by an Elected Member, (Cr), an independent Town Planner and a representative of the Community.*

Debate ensued.

The Presiding Member called for nominations for the Elected Member representative.

Cr Ker nominated and Cr Chester nominated as Deputy if required.

CARRIED (6-1)

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

At 8.00pm **Moved** Cr Messina, **Seconded** Cr Doran-Wu

That an "open" meeting be resumed.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

COUNCIL DECISION ITEM 14.1

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 283 of 2006, the proposed Partial Demolition of and Alterations and Additions to Existing Shop (Beauty Salon), at No. 396 (Lot Pt 116 D/P: 3002) Charles Street, corner Mabel Street, North Perth, and as shown on plans stamp-dated 28 April 2006, for the following reasons:*
- (a) *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *The increased intensity of the use will have a negative impact on the amenity of the surrounding residential area;*
 - (c) *In consideration of the objections received in relation to the proposed development and the complaints received with respect to the existing shop; and*
 - (d) *The additional information provided by the applicant does not address the Council's previous concerns; and*
- (ii) *should the matter process to formal hearing in the SAT, Council will be represented by an Elected Member, (Cr Ker with Cr Chester as Deputy if required), an independent Town Planner and a representative of the Community.*

ADDITIONAL INFORMATION:

Officers of the Western Australian Planning Commission (WAPC) have advised in writing on 9 October 2006 that the above development proposal is required to be determined by the WAPC under the provisions of Metropolitan Region Scheme, as the development is within the Planning Control Area No. 88 (previously No. 54) Charles Street, Town of Vincent. The Town's Officers concur with the above advice of the WAPC, and a 'Corrected Recommendation' has been prepared to that effect.

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

Landowner:	D R and D M Kellett
Applicant:	O Lindsell
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Shop (Beauty Salon)
Use Class:	Shop
Use Classification:	"SA"
Lot Area:	486 square metres
Access to Right of Way	N/A

BACKGROUND:

- 14 September 2004 The Council at its Ordinary Meeting resolved to conditionally approve proposed change of use from shop, office and showroom to shop (Beauty Salon) and associated signage (application for retrospective approval)
- 13 September 2005 The Council at its Ordinary Meeting resolved to constructively refuse an application for the proposed demolition of existing outbuilding (shed) and alterations and additions to existing shop (Beauty Salon).
- 11 July 2006 The Council at its Ordinary Meeting constructively refused the application for proposed partial demolition of and alterations and additions to existing shop (Beauty Salon), at the subject property. The Council's reasons for refusal are as follows:
1. *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 2. *The increased intensity of the use will have a negative impact on the amenity of the surrounding residential area; and*
 3. *In consideration of the objections received in relation to the proposed development and the complaints received with respect to the existing shop (Beauty Salon)".*
- 20 August 2006 Application lodged with the State Administrative Tribunal to review the Council's decision.
- 13 September 2006 Directions Hearing held at the State Administrative Tribunal (SAT). The Tribunal ordered that the matter be re-considered by the Council and that the reasons for refusal are addressed.
- 19 October 2006 Further Directions Hearing scheduled at the State Administrative Tribunal (SAT).

DETAILS:

The proposal involves the demolition of existing outbuilding (shed) and alterations and additions to existing shop (Beauty Salon). The same set of plans considered at the Ordinary Meeting of Council held on 11 July 2006 is to be considered, and are attached to this report.

The applicant has submitted the following additional details following the State Administrative Tribunal Directions Hearing held on 13 September 2006. The applicant's submission has been submitted to address the Council's previous reasons for refusal, as follows:

1. *"The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*

Response:

The development represents demolition of existing outbuildings and alterations and additions to the existing shop. This would see a significant improvement in the layout and operation on the site and as such would improve the amenity of the locality.

The existing building is part of the amenity of the locality and as such there is no change to the amenity of the locality.

It is important to note that the use exists and has non-conforming use rights and can continue to operate. Clause 16 of the Town of Vincent Town Planning Scheme No. 1 (TPS1) enables non-conforming uses to continue operating and to be extended. The use can therefore legally continue and can be improved as this is specifically provided for by TPS1.

It should also be noted that the proposed alterations and additions are similar to a previous proposal over which there were Council concerns. The proposal was modified to address the concerns and thus improve the amenity of the locality by:

- *Minor internal layout changes.*
- *Changes to the car parking arrangements.*
- *Addition of a fence and gate off Charles Street to create an enclosed courtyard area.*

2. *The increased intensity of the use will have a negative impact on the amenity of the surrounding residential area*

Response:

The proposal represents an improvement to the layout of the existing building and an improvement to the current operation. The proposal involves internal modifications with the movement of treatment rooms to the extent that there are negligible extra rooms as outlined below:

- *The existing shed measuring 22m² is to be demolished and replaced with an extra 11 m² of office space and 11m² of treatment room, totalling 22m².*
- *Alleviate the shortage of utility space which has resulted in treatment rooms being used for storage – currently 2 treatment rooms are regularly functioning as store/staff areas instead of treatment rooms.*
- *The extra staff room is the most pressing need and this will not lead to an intensification.*

3. *In consideration of the objections received in relation to the proposed development and the complaints received with respect to the existing shop*

Response:

The Council agenda report shows there were two objections with no comments being provided.

We note there were no “planning grounds” given in terms of the objections and draw to the Council’s attention that the State Administrative Tribunal (SAT) has recently handed down a decision awarding costs against a Council where a proposal was refused on the basis of objections and the objections not having valid planning grounds. The “objections” having no substance therefore should be disregarded.

It is understood that there have been complaints concerning the current operation. Our client has addressed these as outlined above and is willing to meet with Council to discuss any further complaints/issues.

Given the above, Council is respectfully requested to re-consider the application. "

Below is a verbatim of the Assessment Table as considered at the Ordinary Meeting of Council held on 11 July 2006.

"ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Consultation Submissions -</i>			
<i>The proposal was advertised for 21 days in accordance with the Town's "SA" advertising procedure.</i>			
<i>Support (1)</i>	<i>No comments provided.</i>		<i>Noted.</i>
<i>Objection (2)</i>	<i>No comments provided.</i>		<i>Not supported-the objectors do not raise any specific concerns in relation to the proposed development and the proposal is not considered to create an undue impact on the amenity of the adjoining property owners or the streetscape.</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

<i>Car Parking Requirements</i>	
<i>Car parking requirement (nearest whole number)</i> <i>-Beauty Therapist (Shop - 1 bay per 15 square metres of gross floor area) - 191.96 square metres requires 12.80 car bays</i> <i>-Office (1 bay per 50 square metres of gross floor area) - 25.17 square metres require 0.50 car bay</i>	<i>13 car bays</i>
<i>Apply the adjustment factors.</i> ▪ <i>0.85 (within 400 metres of a bus stop)</i>	<i>(0.85)</i> <i>11.05 car bays</i>
<i>Minus the car parking provided on-site</i>	<i>5 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) that is, 12 car bays (180.81 square metres for beauty salon) and 0.28 car bay (14.02 square metres for office) (nearest whole number) x 0.85 = 10.2 car bays minus the previous on-site parking (4 car bays) = 6.2 car bays.</i> <i>Therefore, 6.2 car bays is the approved on-site parking shortfall</i>	<i>6.2 car bays</i>
<i>Resultant surplus</i>	<i>0.15 car bay</i>

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

COMMENTS:

It is considered that the applicants have addressed the Council's previous concerns and reasons for refusal.

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

At 8.00pm **Moved Cr Messina, Seconded Cr Doran-Wu**

That an "open" meeting be resumed.

CARRIED (7-0)

(Mayor Catania and Cr Torre were apologies.)

15. CLOSURE

The Presiding Member, Deputy Mayor - Cr Steed Farrell, declared the meeting closed at 8.00pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 October 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006