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(11 October 2005)

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 11 October 2005, commencing at 6.05pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil

(b) Present:

Mayor Nick Catania, JP	Presiding Member
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
Cr Maddalena Torre	South Ward (from 6.20pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Stella Garreffa	Minutes Secretary
Mark Fletcher	Journalist – The Perth Voice (until 7.40pm)
Dan Hatch	Journalist – Guardian Express (until 7.18pm)

Approximately 15 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Sue Wells of 198 Anzac Road, Mt Hawthorn - Item 10.1.11 – Stated that there is a lack of sufficient site area proposed and that the proposed subdivision and redevelopment, as resolved by the Council in the past, is out of character for the area and does not improve the streetscape. Stated that in her opinion, such a development could set a negative precedent for other such small developments. Asked that the Council note that the applicant has had several applications already rejected by the Council, showing that the applicant had little regard for the opinions of Elected Members and residents in the area. Believes that the current application should be recommended for refusal.

2. Bevan Francis MacInerny of 342 Grand Promenade, Dianella, representing the Rotary Club of North Perth – Item 10.3.2 – Stated that the Rotary Club made a reasonable profit this year and with some of these funds, have made small upgrades to Hyde Park. Stated that those ‘true’ arts and craftsmen at the Hyde Park Fair will receive a 20% discount on their payment for a space. Wishes to encourage community groups to have a stall at the fair and advertise their services to the community. Urges the Town of Vincent to become more active in their involvement and advertise their services to the community at the fair. Stated that the Rotary Club strongly recommends that the Council support their efforts and approve the use of Hyde Park and become the major sponsor of the fair.
3. Martin Morgan of 514 Fitzgerald Street - Item 10.1.2 – Stated that as previously mentioned, he followed the Town’s directions in that neighbours should talk and try to agree on developments thus avoiding future disagreements and action. Stated that he trusted the Town to act according to its own codes and practices, which it has acknowledged in writing that it has not. Also stated that he has distributed a letter outlining the reasons for his objections to the retrospective approval and hopes the Council has read it. Stated that if the retrospective approval is given, it shows that the Town’s planning process is useless. Requested that Council reject the application and issue a correction amendment order.
4. Bob Fisher of 2 Hillsden Road, Darlington - Item 10.1.13 – Stated that after 35 years of experience designing in Perth, the development his client has put to the Council fits in well with neighbouring properties and enhances the streetscape. Stated that the requirement for a 6 metre setback was making development impossible and requested that the Council amend this to a 1 metre setback. *Presented photos to the Council of neighbouring properties with nil or less than 1.5 metre setbacks.* Respectfully requested some relaxation of the requirements to allow the site to be developed to its full potential.
5. Dan Caddy of Queenslea Drive, Claremont, on behalf of Norm Wells – 10.1.11 – Described the development application history of the site since in the hands of the current owner (2004) and outlined the six previous refusals both at Council and at the Tribunal. Noted that the application currently with the Council is essentially the same as previous, only the subdivision of the site has been excluded. Highlighted to the Council that the applicant was attempting to achieve subdivision by way of stealth and reminded the Council that it should be very careful when making their decision. Stated that there is simply not enough land for this subdivision, as the Council has indicated in previous decisions.

Cr Torre entered the chamber at 6.20pm.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.21pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Steed Farrell for the Ordinary Meeting of Council to be held on 25 October 2005 for work reasons.

Moved Cr Ker, Seconded Cr Messina

That Cr Farrell be granted leave of absence for the Ordinary Meeting of Council to be held on 25 October 2005 for work reasons.

CARRIED (9-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Farrell, Seconded Cr Doran-Wu

That the Minutes of the Ordinary Meeting of Council held on 27 September 2005 be confirmed as a true and correct record subject to clause (ii) of Item 10.1.8 and clause (ii) of the Subsequent motion in Item 10.1.2 being amended as follows:

“(ii) the Town’s officers and Elected Members meet with the applicants to discuss future development of the site.”

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 EMPLOYEE OF THE MONTH AWARD FOR FOR SEPTEMBER 2005

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

For SEPTEMBER 2005, the award is presented to JEREMY VAN DEN BOK, Manager Parks Services in the Town's Technical Services Section. Jeremy was nominated for his organisation of the most successful Native Plant sales initiative. A number of positive comments were received, including from the Claise Brook Catchment Group and Ms N. Clarke of Hammond Street, West Perth who wrote in a "Have Your Say" form, as follows; "I have only positive comments to make about the Town at the moment. The native plant sale initiative is an excellent example of Council services ... consider yourselves praised."

It is always pleasing to receive letters and comments of appreciation, as they are a positive reflection on the Town's employees and the Town of Vincent overall. The Employee of the Month award is in recognition of Jeremy's outstanding efforts. Well done Jeremy - Keep up the good work!!

Received with acclamation.

7.2. EMPLOYEE OF THE MONTH AWARD FOR OCTOBER 2005

For OCTOBER 2005, the award is presented to MARLENE ROBSON, Finance Officer in the Town's Corporate Services Section. Marlene was nominated by the Manager Financial Services, Bee Choo Tan, who commented as follows;

"Marlene started her new position as the Finance Clerk in December 2004. Since that time, Marlene has shown excellent work ethics and a positive attitude in her role. I nominate her for her enthusiastic effort in getting the Leederville Gardens Retirement Village accounts up to date. She is responsible for the entire bookkeeping and preparation of the monthly and yearly accounts of Leederville Gardens. Her systematic approach and skills contributed to getting the financial reports of Leederville Gardens to a high standard. Her services are impeccable and her dedication is top class. She is a team player who also took up the responsibility of learning payroll and multi-skills to provide support to the Payroll Officer. Marlene has also exhibited excellent customer service in dealing with the internal customers in processing of the purchase orders and invoices. Invoices and orders are processed on time and Finance has excellent feedback from various internal customers of her performance. Her cheerfulness and pleasant personality is an asset to Finance and the organisation."

Well done Marlene - Keep up the good work!!

Received with acclamation.

7.3 ALLEGED UNAUTHORISED ACTIVITY - 121 SCARBOROUGH BEACH ROAD

I am pleased to advise that the Town's Officers have visited the above premises and have reported that the property appears vacant. The property owner has also advised that the former occupier has ceased using the premises and is seeking an alternative location. He has advised that the premises are to be advertised for lease and will not be leased for any similar businesses in the future! He will confirm this matter in writing.

I wish to express my appreciation to the Town's Officers for their diligent work in pursuing this matter and for a job well done and in particular, Andy Neilson, the Town's Compliance Officer, the Ranger Services, Mr Des Abel - Manager Planning Building & Heritage Services and various Planning Officers.

Let me assure the Council that alleged unauthorised uses such as this will be vigorously pursued by the Town's Administration.

7.4 VINCENT VISION 2024 - PLANNING INSTITUTE AUSTRALIA WA DIVISION - FINALIST

I am pleased to announce that the Town of Vincent Vision 2024 has been nominated as a finalist in various categories for the Planning Institute Australia WA Division Annual Awards. These Awards recognise excellence in the planning profession and raise awareness of good planning practice.

May I congratulate the Town's Planning Officers for a job well done in being nominated as a finalist and wish them well in the Awards Ceremony, which will be held on Wednesday 12 October and will be attended by the Mayor, several Councillors, CEO and a number of employees.

8. DECLARATION OF INTERESTS

- 8.1 Cr Sally Lake declared a financial interest in Item 10.1.18 - Progress Report - Local Government Heritage Working Party - WA Local Government Association Circulation. The extent of her interest being that she owns property listed in the Town's Municipal Heritage Inventory. One of the recommendations of the working party is for a "scheme of discounted heritage supplies" which could result in a financial benefit to her. Cr Lake requested Council grant approval to remain in the chamber during discussion and decision making, but not to participate.
- 8.2 Cr Dudley Maier declared a financial interest in Item 10.1.18 - Progress Report - Local Government Heritage Working Party - WA Local Government Association Circulation. The extent of his interest being that he owns property named in the Town's Municipal Heritage Inventory. One of the recommendations of the working party is for a "scheme of discounted heritage supplies" which could result in a financial benefit to him. Cr Maier requested Council grant approval to stay in the chamber during discussion and decision making, but not to participate.
- 8.3 Cr Maier declared an impartiality interest in Item 10.4.1 - Re-Adoption of Policies. The extent of his interest being that he is on the executive of a local precinct group and as a consequence it may be perceived that his impartiality may be affected on this matter. Cr Maier declared that he would deal with this matter on its merits and vote accordingly.
- 8.4 Cr Izzi Messina declared a proximity interest in Item 10.2.1 - St Rocco Association – Annual Street Procession. The extent of his interest being that he lives on the intended route of the parade which is in close proximity to his house.
- 8.5 Cr Izzi Messina declared a proximity interest in Item 10.2.3 - Further Report - Proposed Black Spot Improvement Project - Intersection of Alma Road and Fitzgerald Street, North Perth. The extent of his interest being that his office is adjacent to the proposal. Cr Messina requested Council grant approval to participate in debate but not vote.
- 8.6 Cr Simon Chester declared a financial interest in Item 10.1.18 - Progress Report - Local Government Heritage Working Party - WA Local Government Association Circulation. The extent of his interest being that he owns property named on the Municipal Heritage Inventory and may benefit from some of the proposed incentives.
(Cr Chester has Minister for Local Government approval to participate in debate and vote on this matter)
- 8.7 Cr Ian Ker declared a financial interest in Item 10.1.18 - Progress Report - Local Government Heritage Working Party - WA Local Government Association Circulation. The extent of his interest being that he owns property named on the Municipal Heritage Inventory and may qualify for benefits under the proposed scheme.
(Cr Ker has Minister for Local Government approval to participate in debate and vote on this matter)

Crs Lake and Maier departed the chamber at 6.31pm for the vote on their request.

Moved Cr Farrell, Seconded Cr Ker

That Cr Lake and Cr Maier be allowed to remain in the chamber during the discussion and decision making of Item 10.1.18, but not participate.

Debate ensued.

LOST (3-4)

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

(Crs Lake and Maier were absent from the chamber and did not vote.)

Crs Lake and Maier returned to the chamber at 6.32pm.

Mayor Catania advised Crs Lake and Maier that their request had not been approved.

Cr Messina departed the chamber at 6.32pm for the vote on his request.

Moved Cr Farrell, Seconded Cr Lake

That Cr Messina be allowed to participate in the discussion of Item 10.2.3, but not participate in the vote.

CARRIED (8-0)

(Cr Messina was absent from the chamber and did not vote.)

Cr Messina returned to the chamber at 6.33pm.

Mayor Catania advised Cr Messina that his request had been approved.

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

Nil.

10. REPORTS

The Presiding Member, Mayor Catania JP, requested that the Chief Executive Officer to advise the meeting of:

The Agenda Items were categorised as follows:

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

Items 10.1.11; 10.3.2; 10.1.2 and 10.1.13

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:

Nil

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

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

Cr Farrell	Item 10.2.6
Cr Chester	Items 10.1.12, 10.1.15, 10.1.9 and 10.4.1
Cr Ker	Item 10.1.4
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Item 10.3.1
Cr Messina	Nil
Cr Maier	Items 10.1.1, 10.1.3, 10.1.7, 10.1.9, 10.1.10 and 10.1.16
Mayor Catania	Nil

Presiding Member, Mayor Nick Catania JP, requested the Chief Executive Officer to advise the Meeting of:

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

Items 10.1.18; 10.2.1 and 10.2.3

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

Items 10.1.5; 10.1.6; 10.1.8; 10.1.14; 10.1.17; 10.2.2; 10.2.4; 10.2.5; 10.3.3; 10.3.4; 10.3.5 and 10.4.2

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

Items 14.1; 14.2; 14.3 and 14.4

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

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

Items 10.1.5; 10.1.6; 10.1.8; 10.1.14; 10.1.17; 10.2.2; 10.2.4; 10.2.5; 10.3.3; 10.3.4; 10.3.5 and 10.4.2

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

Items 10.1.11; 10.3.2; 10.1.2 and 10.1.13

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

Moved Cr Farrell, Seconded Cr Torre

That the following unopposed items be moved en bloc;

*Items 10.1.5; 10.1.6; 10.1.8; 10.1.14; 10.1.17; 10.2.2; 10.2.4; 10.2.5; 10.3.3; 10.3.4;
10.3.5 and 10.4.2*

CARRIED (9-0)

10.1.5 No. 31 (Lot 493) Hobart Street, Corner Eton Street, North Perth - Proposed Addition to Existing Garage and Additions and Alterations to Existing Single House

Ward:	North	Date:	3 October 2005
Precinct:	North Perth; P8	File Ref:	PRO3314; 5.2005.31;64.1
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Edit Architecture on behalf of the owner B Coomes & L K Smith for proposed Addition to Existing Garage and Additions and Alterations to Existing Single House, at No.31 (Lot 493) Hobart Street, corner Eton Street, North Perth, and as shown on amended plans stamp-dated 29 September 2005 , subject to:

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

- (f) *the solid portion adjacent to the Eton 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.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	B Coomes & L K Smith
Applicant:	Edit Architecture
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:	506 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves an addition to the existing garage to make the space more useable, a sunroom addition adjacent to the existing garage and the addition of an ensuite and minor extension to the existing bathroom, within the secondary street setback area.

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
Secondary Street Setbacks (east boundary)	1.5 metres	1.0 metre	Support - minor additions proposed within the setback area. Streetscape not unduly affected as there is an existing solid fence and mature trees that will screen the additions.
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The development application seeks setback variations within the secondary street setback area and therefore is submitted to the Council for consideration and determination. The minor setback variations are considered supportable as they will not detract from the existing streetscape.

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

10.1.6 No. 275 (Lot 50 D/P: 91342) Stirling Street , Corner Bulwer Street, Perth - Proposed Alterations and Two-Storey Recreational Facility Additions to Existing Club (Private)

Ward:	South	Date:	4 October 2005
Precinct:	Beaufort; P13	File Ref:	PRO1284; 5.2005.3012.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Australian Asian Association for proposed Alterations and Two-Storey Recreational Facility Additions to Existing Club (Private), at No. 275 (Lot 50 D/P: 91342) Stirling Street , corner Bulwer Street, Perth and as shown on plans stamp-dated 24 June 2005, subject to:

- (i) the time of operation and use of the recreational facility room shall be limited to 8.00am to 10.00pm, inclusive, daily;*
- (ii) the use of the recreational facility shall remain incidental, ancillary and related to the activities and operations of the 'club' occupying the premises and shall be used by members of the club only. The recreational facility room shall not be hired out nor used by non-members of the club or members of the public;*
- (iii) a detailed management plan that ensures the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*
- (iv) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$14,664 for the equivalent value of 5.64 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (v) the recreational facility component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted to and approved by the Town prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*

- (vi) *the approval is valid for the first floor recreational facility extensions and associated alterations only and does not include any alterations to the existing building, which would require a separate Planning Approval to be applied for and obtained from the Town prior to commencement of such alterations;*
- (vii) *the gross floor area of the recreational facility additions component shall be limited to a maximum of 320 square metres;*
- (viii) *prior to the first occupation of the development, four (4) class 1 or 2 and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (ix) *subject to first obtaining the consent of the owners of No. 273 Stirling Street and Nos. 77 and 87 Bulwer Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south, north and west respectively in a good and clean condition.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	Australian Asian Association
Applicant:	Australian Asian Association
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Club (Private)
Use Class:	Club
Use Classification:	"SA"
Lot Area:	811 square metres
Access to Right of Way	N/A

BACKGROUND:

- 13 November 1995 Council at its Ordinary Meeting granted conditional Planning Approval for extensions to an existing community centre.
- 3 December 2002 Council at its Ordinary Meeting resolved to defer an application for proposed alterations and two-storey recreational facility additions to the existing club for further investigation and report on the site history and use.
- 17 December 2002 Council at its Ordinary Meeting resolved to approve an application for alterations and two-storey recreational facility additions to the existing club.

DETAILS:

The proposal involves alterations and two-storey recreational facility additions to the existing club at No. 275 (Lot 50) Stirling Street, corner Bulwer Street, Perth. The Council at its Ordinary Meeting held on 17 December 2002 granted approval for a similar application, subject to the following conditions:

- "(i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the use of the recreational facility shall remain incidental, ancillary and related to the activities and operations of the 'club' occupying the premises and shall be used by members of the club only. The recreational facility room shall not be hired out nor used by non-members of the club or members of the public, as agreed to by the owner/applicant in letter to the Town dated 11 December 2002;*
- (iii) the time of operation and use of the recreational facility room shall be limited to 8.00am to 10.00pm, inclusive, daily;*
- (iv) a detailed management plan that ensures the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*
- (v) prior to the issue of the Building Licence, the applicant/landowner shall pay a cash-in-lieu contribution of \$14 100 for the equivalent value of 5.64 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;*
- (vi) the recreational facility component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted to and approved by the Town prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (vii) the approval is valid for the first floor recreational facility extensions and associated alterations only and does not include any alterations to the existing building, which would require a separate Planning Approval to be applied for and obtained from the Town prior to commencement of such alterations;*
- (viii) the gross floor area of the recreational facility additions component shall be limited to a maximum of 321 square metres;*
- (ix) prior to the first occupation of the development, three (3) bicycle parking rails, shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*
- (x) a road and verge security bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets in the Oxford Street road reserve are*

reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond must be made in writing to the Town;

- (xi) *subject to first obtaining the consent of the owners of No. 273 Stirling Street and Nos. 77 and 87 Bulwer Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south, north and west respectively in a good and clean condition; and*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;"*

A site inspection on 3 October 2005 indicates that the existing windows have been built in accordance with the Planning Approval granted by the Council at its Ordinary Meeting held on 13 November 1995. These existing windows have inadvertently been indicated on the current plans stamp dated 24 June 2005 incorrectly; however, this does not affect the current planning application. The applicant seeks a new Planning Approval as the previous 17 December 2002 Approval is no longer valid as it was not substantially commenced within the two year time frame.

The applicant also requests the Council to waive the cash-in-lieu contribution of \$14,664 for the 5.64 car bay car parking shortfall.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	N/A		Noted
Objection (2)	<ul style="list-style-type: none"> • Will encourage people to trespass onto No. 77 Bulwer Street. • Overlooking from windows on the northern elevation. • Brick piers on the northern boundary should be a boundary wall. • Car parking • Rubbish and graffiti 		<p>Not supported - not a major planning consideration.</p> <p>Not supported - there are no privacy requirements for Commercial development, and the windows are existing.</p> <p>Not supported - dividing walls/fences are a civil matter.</p> <p>Supported - has been addressed in the Officer Recommendation.</p> <p>Not supported - not a major planning consideration.</p>

Other Implications	
Legal/Policy	TPS 1 and associated Policies
Strategic Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
Car Parking Requirement (nearest whole number) <ul style="list-style-type: none"> • Proposed Recreational Facility: 1 car bay per 30 square metres of gross floor area (proposed 320 square metres plus existing 256 square metres) • Existing Office: 1 car bay per 50 square metres of gross floor area (existing 777 square metres) 	19 car bays 15 car bays Total 34 car bays
Apply the adjustment factors <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) • 0.95 (provides on-site bicycle parking) 	(0.646) 21.96 car bays
Minus car parking on-site	6 car bays
Minus the most recently approved on-site car parking shortfall	10.32 car bays
Resultant shortfall	5.64 car bays
Bicycle Parking	
Office <ul style="list-style-type: none"> • 1 space per 200 square metres of gross floor area for employees (class 1 or 2)- 3.9 spaces • 1 spaces per 750 square metres of gross floor area (class 3)- 1.04space 	None indicated on plans, has been conditioned to comply.

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

COMMENTS:

The proposal results in a car parking shortfall of 5.64 car bays, therefore it is recommended in the Officer Recommendation that the equivalent cash-in-lieu of \$14, 664 is paid to the Town. The applicant requests in their submission that this cash-in-lieu contribution be waived as the Australian Asian Association is a not-for-profit organisation and is registered under the Charitable Collections Act. Licence No. 17651. The applicants request is not supported as its justification does not affect the car parking situation.

The applicants have further requested that the following condition:

- (iii) *the time of operation and use of the recreational facility room shall be limited to 8.00am to 10.00pm, inclusive, daily;*

of the 17 December 2002 Planning Approval be modified to extend the time of operation from 8.00am to 12.00am. The applicant has also requested no restriction on the patrons or hire of the recreational facility (condition (ii)) of the previous Approval. In considering the location of the recreation facility in a Residential/Commercial area, the Town believes that a reasonable level of amenity needs to be maintained. Therefore, an extension to the hours of operation and no restriction on the facility use are not supported.

The existing club has been occupying the premises for a number of years and the extension is not considered to prejudice future residential development in what is an existing and firmly entrenched commercial area.

The development proposal is supported as it is considered to not unduly impact on the amenity of the adjacent or surrounding properties.

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

10.1.8 No(s). 102-104 (Lot 1 D/P: 2251) Lincoln Street, Corner Stirling Street, Highgate - Proposed Alterations and Additions to Existing Shop

Ward:	South	Date:	3 October 2005
Precinct:	Forrest; P14	File Ref:	PRO1655; 5.2005.3093.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Duric on behalf of the owners R & N Duric for proposed Alterations and Additions to Existing Shop at No(s). 102-104 (Lot 1 D/P: 2251) Lincoln Street, corner Stirling Street, Highgate, and as shown on plans stamp-dated 8 August 2005, subject to:

- (i) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) doors, windows and adjacent floor areas fronting Lincoln Street and Stirling Street shall maintain an active and interactive relationship with these streets;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) the maximum gross floor area of the shop shall be limited to 104 square metres. 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; and*
- (v) 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 Lincoln Street and Stirling Street boundaries and the main building, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	R & N Duric
Applicant:	R Duric
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House and Shop
Use Class:	Shop
Use Classification:	"AA"
Lot Area:	425 square metres
Access to Right of Way	North side, 5.02 metres wide, unsealed, privately owned

BACKGROUND:

4 November 2003 At its Ordinary Meeting, the Council resolved to refuse the complete demolition of the existing shop and single house and the construction of two (2) two-storey single houses, mainly based on heritage reasons.

16 December 2003 Council at its Ordinary Meeting granted conditional approval for partial demolition of existing shop and single house and construction of an additional two-storey single house and alterations to existing shop.

DETAILS:

The proposal involves alterations and additions to the existing shop. The existing shop will consist of a hairdressing salon occupying 65 square metres of gross floor area and a travel agency occupying 39 square metres.

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	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) -Proposed Shop (Travel Agency): proposed 39 square metres. -Proposed Shop (Hairdressing Salon): proposed 65 square metres -Total Proposed Shop: 1 car bay per 15 square metres of gross floor area (104 square metres)			7 car bays
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop)			(0.85) 5.95 car bays
Minus car parking on-site			2 car bays
Minus the most recently approved on-site car parking shortfall			5 car bays
Resultant surplus			1.05 car bays

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

COMMENTS:

The proposal is supported as it is considered to not unduly impact on the amenity of the adjacent or surrounding properties, and is compliant with the Town's Policy relating to Parking and Access.

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

10.1.14 No. 475 (Lot 3 D/P: 555) Charles Street, Corner Gill Street, North Perth - Proposed Change of Use from Shop to Place of Public Worship and Associated Alterations

Ward:	North	Date:	30 September 2005
Precinct:	North Perth; P08	File Ref:	PRO3293; 5.2005.3126.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by J Kotis on behalf of the owner J Farina for proposed Change of Use from Shop to Place of Public Worship and Associated Alterations, at No. 475 (Lot 3 D/P: 555) Charles Street, corner Gill Street, North Perth, and as shown on plans stamp-dated 19 August 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Parking and Access and the Charles Locality Plan, respectively; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	J Farina
Applicant:	J Kotis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vacant
Use Class:	Place of Public Worship
Use Classification:	"AA"
Lot Area:	435 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a change of use from shop to place of public worship at No. 475 (Lot Y3) Charles Street, corner Gill Street, North Perth.

The applicant proposes the site be used as a place of public worship for the 'Potters House Christian Fellowship'. The 'Potters House Christian Fellowship' services will include worship, singing, teaching, preaching and fellowship/social activities for members.

The program will consist of a Sunday morning service from 10.30am until 12.00pm, a Sunday evening service from 6.30pm until 8pm and a film or concert every second Saturday night from 7.30pm until 9.30pm.

People that will be attending the place of public worship will consist of people from broken homes, separated marriages, ethnic backgrounds, refugees from Africa and others from stable family backgrounds. The 'Potters House Christian Fellowship' has a vision to reach into the local area and assist the youth and disadvantaged.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Charles Locality Plan 16	Non-residential uses are generally accepted where they do not unduly intrude on the amenity of their neighbours. These uses must remain at their existing scale and intensity.	Place of Public Worship.	Not supported - a change of use to a place of public worship is considered to intensify the use of the site and to have an undue impact on the amenity of the neighbours.
Consultation Submissions			
Support	Nil		Noted.
Objections Received (3)	<ul style="list-style-type: none"> • Car parking • Noise 		<p>Supported - the proposal results in a 19 car bays shortfall which is considered excessive and to have an undue impact on the amenity of the surrounding area.</p> <p>Not supported - not a major planning consideration.</p>

	<ul style="list-style-type: none"> Community consultation Increased traffic 	<p>Not supported - application was advertised in accordance with the 'AA' provisions in the Community Consultation Policy No. 4.1.5 that applied at that time.</p> <p>Supported - the proposal results in a 19 car bays shortfall which is considered excessive and will encourage street parking and general traffic flows in the area.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Car Parking Requirement (nearest whole number) -Proposed Place of Public Worship: 1 car bay per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater (proposed 119 square metres and 50 people).		31 car bays
Apply the adjustment factors		(0.8075)
<ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) 		25 car bays
Minus car parking on-site		6 car bays
Resultant shortfall		19 car bays

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

COMMENTS:

The Town's Officers consider the proposed change of use not appropriate for the area, as the area is zoned Residential and the predominant land use in the immediate locality is residential, mainly single houses and grouped dwellings. Furthermore, the Town's Officers consider the 19 car bays shortfall to be excessive and will reduce the amenity of the surrounding locality and set an undesirable precedent for similar development in the area.

In light of the above, the subject application is recommended for refusal.

10.1.17 No. 10 (Lot 1 D/P: 5514) Haynes Street, Corner Sydney Street, North Perth – Alterations and Additions to Street/Front Fence to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	4 October 2005
Precinct:	North Perth; P8	File Ref:	PRO2691; 5.2004.2058.2
Attachments:	001		
Reporting Officer(s):	K Loader		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by M Slatter on behalf of the owner M and D Slatter and Blueprint Project Management Pty Ltd for Alterations and Additions to Street/Front Fence to Existing Single House (Application for Retrospective Approval) at No. 10 (Lot 1 D/P: 5514) Haynes Street, corner Sydney Street, North Perth, and as shown on plans stamp-dated 19 August 2005, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
 - (b) *the non-compliance with the Town's Policy relating to Street Walls and Fences;*
- (ii) *the Council ADVISES the owners of No. 10 (Lot 1 D/P: 5514) Haynes Street, corner Sydney Street, North Perth, that the unauthorised Street/Front Fence shall be removed within 28 days of the date of notification by the Town; and*
- (iii) *the Council AUTHORISES the Chief Executive Officer to initiate legal proceedings against the owners of No. 10 (Lot 1 D/P: 5514) Haynes Street, corner Sydney Street, North Perth, if the unauthorised Street/Front Fence still remains after the above 28 days period.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	M and D Slatter and Blueprint Project Management Pty Ltd
Applicant:	M Slatter
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:	660 square metres
Access to Right of Way	N/A

BACKGROUND:

24 June 2003 The Council at its Ordinary Meeting recommended conditional approval to the Western Australian Planning Commission for the subdivision of the subject site into two lots.

29 July 2003 The Western Australian Planning Commission conditionally approved the subdivision of the subject site into two lots subject to one of the conditions requiring that the applicant obtain development approval for the development of houses on the proposed lots.

11 May 2004 The Council, at its Ordinary Meeting, resolved to approve demolition of existing single house and construction of two, (2) two-storey single houses at No. 10 Haynes Street, North Perth. Condition (i) of the Planning Approval stated as follows:

“(i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Haynes Street and Sydney Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. Any portion of solid fence along the secondary street for proposed unit 1, should incorporate a minimum of two significant design features to break up the visual bulk of the wall;*”

DETAILS:

The application involves alterations and additions to street/front fence to existing single house (application for retrospective approval). The applicant made reference in the submission to approved Building Licence plans 20/2562, which indicate ‘*existing screen wall (Sydney Street) to remain and rendered*’. Due to the extent of development on the site, and the extent of changes to the wall (rendering and painting), these changes are considered to alter the fence to a point where it is considered new. The Town’s Policy relating to Street Walls and Fences states that where a private courtyard is desired in the front setback area, suitable privacy can be provided by soft landscaping and dense planting.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Street Walls and Fences: (as per Council resolution)			
Sydney Street	Not to exceed a maximum height of 1.8 metres above ground level. Solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level. Upper portion of the wall or fence being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence.	Fence height ranges from 1.8 metres to 2.1 metres. Approximately 5 per cent visually permeable	Not supported - non compliant with the Town's Policy relating to Street Walls and Fences and the fence is considered to have an undue impact on streetscape, amenity and safety (casual surveillance). Not supported - as above.
Consultation Submissions			
No consultation was required for this application as the existing front fence is non compliant with the Town's Policy relating to Street Walls and Fences, and is being referred to Council for determination.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The street/front fence at No. 10 Haynes Street, North Perth is non-compliant with the Town's Policy relating to Street Walls and Fences and is considered to have an undue impact on the streetscape and amenity of the area.

In view of the above, it is recommended that the application be refused due to the nature of the variations involved. It is further recommended that the Council require the owners to remove the unauthorised street/front fence within 28 days, and authorise legal action should the unauthorised fence remains after this period.

10.2.2 Extension of Parking Restrictions in Brisbane Street and Bulwer Street Between Stirling and Pier Streets, Perth

Ward:	South	Date:	4 October 2005
Precinct:	Beaufort Precinct (P13)	File Ref:	PKG0055
Attachments:	001;		
Reporting Officer(s):	A Munyard,		
Checked/Endorsed by:	R Lotznicher	Amended by:	R.Lotznicher

RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the extension of Parking Restrictions in Brisbane Street and Bulwer Street, between Stirling and Pier Streets, Perth;
- (ii) **APPROVES** the extension of the existing two hour parking restriction on the north side of Brisbane Street between Stirling and Pier Streets, to be in place between 8.00am and 5.30pm Monday to Friday and 8.00am and 12 noon Saturdays, as illustrated on attached Plan 2371-PP-1;
- (iii) **APPROVES** the introduction of a thirty minute parking zone adjacent to the new commercial premises on the south side of Bulwer Street between Stirling and Brisbane Streets, to be in place between 8.00am and 5.30pm Monday to Friday and 8.00am and 12noon Saturdays as illustrated on attached Plan 2371-PP-1;
- (iv) **PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and
- (v) **ADVISES** adjacent business proprietors and residents of Council's resolution.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF THIS REPORT:

The purpose of this report is to seek the Council's approval to amend parking restrictions on the north side of Brisbane Street between Stirling and Pier Streets, and the south side of Bulwer Street between Stirling and Brisbane Streets.

BACKGROUND:

The corner of Brisbane and Bulwer Streets was previously occupied by a service station, necessitating broad crossovers which provided access to the pumps. As these crossovers are no longer required, additional kerbside parking can now be accommodated. It is proposed that appropriate and consistent restrictions be applied to the newly created parking.

DETAILS:

Kerbside parking is not currently available for approximately 65 metres along the north side of Brisbane Street or the south side of Bulwer Street, from their point of intersection. The Town acknowledges the considerable shortage of parking in the area and endeavours to create and retain parking wherever possible.

The completion of the new commercial/residential development at this corner, and the subsequent removal of blind cross-overs, allows permitted parking to be extended approximately 30 metres along both these streets. It is proposed that this new kerbside parking be restricted appropriately so that it will be of maximum benefit to both the residential and commercial components in the vicinity.

A two (2) hour restriction, to be in place during normal business hours, is proposed for the additional spaces in Brisbane Street. It is expected that this will encourage a regular turnover of parking, while still allowing a reasonable amenity for clients of businesses as well as service and visitor parking for the residential component of the street.

It is proposed that the additional parking in Bulwer Street be restricted to half hour parking during normal business hours, primarily for the commercial component of the development and other similar usages in Brisbane and Bulwer Streets. It should be noted that visitor parking exemption permits are not valid in bays restricted to thirty (3) minutes or less. The existing two (2) hour restricted parking on this side of Bulwer Street will remain.

The remainder of this section of Bulwer Street on the south side has a two (2) hour restriction which is in place at all times. This restriction was implemented to ensure parking was available to the nursery business located there. This business was open during weekends and some evenings and proximity to Members Equity Stadium often resulted in customers not being able to park within reasonable distance. As this business is no longer operating, businesses in this section of Bulwer Street will soon be canvassed as to the relevance of the restriction being in place "At All Times". It may now be more appropriate to apply the restriction (which does not affect residents) only during business hours.

CONSULTATION/ADVERTISING:

These parking restrictions will apply to approximately six (6) parking spaces in all, once setbacks for cross-overs have been accommodated and are therefore minor in nature. It is not considered necessary to consult on this proposal.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(p) Develop a strategy for parking management in business, Residential and mixed use precincts, that includes:*

- *parking facilities that are appropriate to public needs;*
- *a clear indication that it is the developer's responsibility to provide on-site parking;*
- *protection of the rights of local residents to park in their streets where limited off road parking is available."*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of line marking and installation of new parking restriction signs would be approximately \$400.00.

COMMENTS:

The proposed changes will improve customer parking in this section of Brisbane Street and Bulwer Street, and will also improve the parking amenity for residents in the vicinity.

10.2.4 State Underground Power Program – Proposed Round Four Major Residential Project – Progress Report No 1

Ward:	Both	Date:	5 October 2005
Precinct:	All	File Ref:	TES0313
Attachments:	001:		
Reporting Officer(s):	R Lotznicher,		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the State Underground Power Program Proposed Round Four Major Residential Project, Progress Report No1;
- (ii) **AUTHORISES** the Chief Executive Officer to prepare the following expression of interest submissions for consideration by the Office of Energy for inclusion in Round Four of the State Underground Power Program;
 - (a) a submission comprising eleven (11) areas of approximately 800 to 950 lots as shown on attached Plan No. 99070-2-1; and
 - (b) a submission comprising eight (8) areas of approximately 1,000 to 1,250 lots as shown on attached Plan No. 99070-1-1;
- (iii) **FURTHER CONSIDERS** the Office of Energy prioritising the order of implementation of the areas and **ENDORSES** the Office of Energy's decision as to which, if any, area(s) are successful; and
- (iv) **RECEIVES** a further report once expressions of interest for Round Four submissions for the State Underground Power Program have been assessed and the Town has been advised of the outcome.

COUNCIL DECISION ITEM 10.2.4

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to authorise the Chief Executive Officer to prepare and submit an expression of interest to the Office of Energy for consideration for inclusion in Round Four of the State Underground Power Program (SUPP).

BACKGROUND:

Round Three - State Underground program

The Town's officers are currently preparing the detailed submission stage of Round Three of the SUPP (Highgate East).

Extensive work has been undertaken by the Town's officers and officers from Western Power in finalising the area boundaries, determining transformer and substation locations, determining the number and designation of households, businesses etc in the project area, developing a draft charging model, finalising the street light design and the underground power design.

The Council will receive a progress report once Western Power has provided a final estimated cost of the project.

A progress report was presented to the Council on 25 May 2005, where it was decided that.

"That the Council;

- (i) RECEIVES the report on the State Underground Power Program – Round Three Major Residential Project – Progress Report No 5;*
- (ii) NOTES the new preliminary time table as outlined in the report for the implementation of State Underground Power Program – Round Three; and*
- (iii) RECEIVES a further report prior to the ratepayer survey being conducted outlining detailed (design) estimated costs, proposed financial model and funding proposal."*

Round Four - State Underground program

The Office of Energy has now invited Local Governments to submit Expressions of Interest for Round Four of the SUPP. The submission process is similar to the process undertaken for the Round 3 submission which was previously the subject of various reports to the Council between 2003 and 2005.

On 11 February 2003, the Council approved the submission of an expression of Interest for Round 3 of the SUPP and decided as follows:

"That the Council;

- (i) receives the report on the current status of the State Underground Power Program;*
- (ii) endorses in principal the nine (9) areas, as shown on attached drawing 99070, being nominated for consideration as Major Residential Projects;*
- (iii) APPROVES the submission of an expression of interest, nominating all nine (9) areas to the Office of Energy for consideration for inclusion in Round Three of the State Underground Power Program as shown on attached Plan No. 99070;*
- (iv) WILL FURTHER CONSIDER the Office of Energy prioritising the order of implementation of the nine (9) areas and endorses the Office of Energy's decision as to which, if any, area(s) are successful;*

- (v) *receives a further report once expressions of interest for Round Three submissions for the State Underground Power Program have been assessed and the Town has been advised of the outcome;*
- (vi) *if invited to proceed receives a further report on the implications to the Town; and*
- (vii) *that two submissions be made to the Office of Energy, one of approximately 1250 lots and the other of approximately 800 lots;"*

DETAILS:

As mentioned above, on 31 August 2005, the chairman of the Office of Energy invited the Town to submit an Expression of Interest for Round Four of the SUPP. An extract from the letter is as follows:

On behalf of the Minister for Energy, Hon Alan Carpenter MLA, and the Underground Power Steering Committee, I am pleased to invite Expression of Interest proposals from local governments to participate in Round Four Major Residential Projects of the Underground Power Program.

Please find enclosed two copies of the Underground Power Program Major Residential Projects - Round Four Guidelines, an Expression of Interest Proposal template, a checklist and Program fact sheets to assist you in preparing your submission. These guidelines reflect the priorities of the State Government and experience gained in previous Rounds of the Program.

As in previous Rounds of the Program, the State Government (including Western Power Corporation) will fund approved projects on a 50:50 basis with participating local governments. However, special consideration for additional support may be made to accommodate competitive proposals from local authorities that propose areas that are recognised by the Australian Bureau of Statistics' Socio-Economic indexes for Areas index as being of low socio-economic status. This determination will be made following the short-listing of Expression of Interest proposals and does not influence the evaluation.

The Steering Committee will assess proposals against the selection criteria set out in the Guidelines. The Selection process will take place in two stages, of which the first is an Expression of Interest Stage. Short listed proposals will then proceed to the Detailed Proposal Stage.

It is anticipated that the Minister for Energy will announce short-listed and reserve projects in Round Four of the Program in February 2006. Subject to successful completion of the Detailed Proposal Stage, work is expected to commence on the first short-listed project in February/March 2007.

Please note that the closing date for Expressions of Interest submissions is 5.00 pm Friday 11 November

The Expression of interest template includes:

- Contact Information
- Nominated Area
- Local Government & Community Support
- Power system reliability criteria
- Project Budget

CONSULTATION/ADVERTISING:

Not applicable at this stage

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *(k) Develop a strategy for the implementation of underground power - investigate alternative mechanisms for funding (e.g. loans, differential rates, deferred charges, etc. - develop a mechanism for assigning priorities to areas).*

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable at this stage, however, should the Town be successful with its Round Four SUPP submission careful consideration of how this will be funded and a "cash flow" model will need to be prepared given that Round Three SUPP (Highgate East) will (hopefully) also be in progress or at least nearing completion.

COMMENTS:

If the Town submits a successful Expression of Interest and is invited by the Office of Energy's Steering Committee to proceed to the Detailed Proposal Stage, it may have a significant impact on future budgets.

However, at this stage the submission of the Expression of Interest for Round Four does not bind the Town financially and should it be successful, provides time to consider all the implications.

It is therefore suggested that the Council authorises the Chief Executive Officer to prepare expression of interest submissions to the Office of Energy for consideration for inclusion in Round Four of the State Underground Power Program as recommended and receives a further report once expressions of interest have been determined by the Office of Energy and the Town has been advised of the outcome.

10.2.5 Proposed Naming of Rights of Way - Amore Lane and Begley Lane

Ward:	North	Date:	4 October 2005
Precinct:	Leederville Precinct (P3) and Norfolk Precinct (P10)	File Ref:	TES0026
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the naming of two rights of way pursuant to applications from residents;*
- (ii) *APPROVES the application of the following names as shown on appendix 10.2.5;*
 - (a) *"AMORE LANE" to the right of way bounded by Alma Road, Norfolk Street, Raglan Road and Hyde Street; and*
 - (b) *"BEGLEY LANE" to the right of way bounded by Scarborough Beach Road, Faraday Street, Wilberforce Street and Shakespeare Street; and*
- (iii) *ADVISES the Geographic Names Committee, the applicants and all adjacent residents of its decision.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval of the naming of two (2) Town owned rights of way (ROWs).

BACKGROUND:

The Town has, through its ROW naming and lighting program, previously named those ROWs which are dedicated as public roads. The naming of other ROWs is facilitated upon the request from residents, provided the cost of installing name plates is borne by the applicant and the name is approved by the Council and the Geographic Names Committee of the Department for Planning and Infrastructure.

Naming of ROWs has a number of positive outcomes for adjacent residents. Once approved by the Geographic Names Committee, ROW names are included in the Streetsmart guide, and are therefore identifiable to FESA, should their attendance be necessary, and to the public in general. Australia Post will deliver mail to addresses of named ROWs provided they meet other standards set down by them.

DETAILS:

The Town has received two applications for the naming of ROWs. Both names proposed have already been approved by the Geographic Names Committee.

ROW Bounded by Scarborough Beach Road, Faraday, Wilberforce and Shakespeare Streets

A resident has written to the Town, requesting that the ROW at the rear of their home in Wilberforce Street (where the resident has resided for 82 years) be named "Begley Lane" in honour of the resident's late father and grandfather. The resident has provided some historical details to support the request as follows:

My grandfather, Edwin Begley, arrived in Fremantle in 1910 from Preston, England. My grandmother, Susannah Begley, and five sons arrived in 1911 in Femantle. My father, Arthur Begley, was the eldest son aged 16.

My grandparents lived at 20 Ilma Street, Mount Hawthorn. (Now known as Fairfield Street).

My father, Arthur, served in the Army in the first World War. He was wounded in Belgium and repatriated to England, then to Australia. He married my mother, Eileen Reid, in 1920 and built their home at 10 Wilberforce Street, Mount Hawthorn.

My brother, Edwin and I attended Mount Hawthorn Primary School. I enrolled in 1929 and my brother in 1931.

I am now 82 years of age and was very privileged to attend Mount Hawthorn Junior Primary School for "Back to School Day" to speak to the students "about my school days".

I have resided at 10 Wilberforce Street since my birth in 1923. My brother was born at home at No. 10 in 1925.

It would be a great honour to my parents and our family if you would be kind enough to consider "Begley Lane" as the name of the upgraded right of way behind our house."

The Geographic Names Committee have approved the name, which complies with all their requirements.

ROW Bounded by Alma Road, Norfolk Street, Raglan Road and Hyde Street

The Town has also received an application for the naming of the ROW bounded by Alma Road, Norfolk Street, Raglan Road and Hyde Street. Having observed that many residents in the vicinity are of Italian decent, the applicant has suggested the name *Amore Lane* in recognition of *"the love and pride these proud migrants have for the area"*.

The Geographic Names Committee have advised that this name also complies with all their guidelines and have approved its application to the ROW.

CONSULTATION/ADVERTISING:

Consultation regarding ROW, road or place names is not usually undertaken. Such naming is based on the decision of the Council together with the approval of the Geographic Names Committee.

LEGAL/POLICY:

There are no legal implications to naming the ROWs.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The applicants have given an undertaking to pay the costs of manufacture and installation of the street nameplates.

COMMENTS:

The naming of the ROWs will improve the amenity of the adjacent residents. Both approved names are considered relevant and appropriate, and it is recommended that the Council approve their application to these ROWs.

10.3.3 Leederville Festival 2005

Ward:	North Perth	Date:	29 September 2005
Precinct:	Hyde Park Precinct	File Ref:	CMS0029
Attachments:			
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES of the Leederville Community Action Group to organise the "Leederville Street Festival" on 4 December 2005 to be held in Oxford Street, Leederville, subject to;

- (a) a total sponsorship contribution of \$15,000 to assist with the costs of the event as allocated in the 2005-2006 budget;*
- (b) event application fees of \$11,082.50 for the festival at Oxford Street being waived;*
- (c) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the Street*
- (d) a suitable traffic and risk management plan being submitted to the Town at least twenty-eight days prior to the event*
- (e) the Leederville Community Action Group, as event organisers, shall full comply with conditions of use being imposed including Environmental Health and other conditions; and*
- (f) acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

To approve of the Leederville Street Festival to be held in the Town of Vincent subject to conditions as listed in the report.

DETAILS:

The 2005 Leederville Street Festival is the fifth festival being coordinated by Leederville Community Action Group and is designed to promote the Leederville area.

The Festival will be held on Sunday 4th December, 2005 between 11am and 5 pm.

The changed format of the festival trialled last year has proved to be more successful and there were minimal complaints as compared to previous years. The organisers have focussed on the festival to be more inclusive of the community and culture of the Town of Vincent. This included highlighting the cultural diversity of the local community with various cultural acts and featuring street artists. The festival will continue to focus on promoting multiculturalism and harmony within our community.

The Festival is planned to be a fun filled variety day for all. The Festival will continue to be community oriented this year with acts drawn from the local community. The expected benefits will be the promotion of the Leederville community and feature local cultural performers which represent the ethnic communities of Perth. The Festival will be a benefit to all in a vibrant fun filled day.

It is estimated that such an event has in previous years drawn crowds of approximately 5,000 (five thousand) people.

It is recommended that the bond not be waived altogether, however, this could be reduced to the same level of bond (\$2,000) that is applied to other events which are sponsored by Council.

An internal working group was established to determine a management plan and facilitate the coordination of the event from the perspective of the Town's imposed conditions and requirements with the following representatives:

- ◆ Manager Community Development (Chairperson);
- ◆ Manager Ranger Services & Community Safety;
- ◆ Senior Ranger;
- ◆ Senior Environmental Health Officer;
- ◆ Manager Engineering Services;
- ◆ Manager Parks Services;
- ◆ WA Police Service;
- ◆ Leederville Police Station;
- ◆ Plus representatives from the organising committee.

This group will meet with festival organisers to discuss the requirements of the Town in terms of organising a major public event which involves road closures. This process has worked well in the past and in other major events organised in the Town, dealing with issues before they surface as problems, providing the necessary support and advice to the event organisers.

This group has also assisted in the past with the compilation of the risk management plan for this event in 2001 and this has been reviewed annually. A Risk Management Plan is considered an essential part of any major event and clearly identifies potential risks and provides the organisers with an opportunity to show how they have addressed them. It also itemises the responsibilities of individual parties both prior to the event, during the event and after the event. This year's plan will be upgraded to address any issues as raised by the working group as a result of debriefing for the previous year's festival event.

As the festival is an annual event, a debriefing meeting is held approximately three months after the event. A report to Council will outline how the event was conducted and address any issues requiring attention prior to the following year's event.

CONSULTATION/ADVERTISING:

The location of street entertainment to be mutually agreed upon by the organisers and the Town. In addition, it is required that nearby businesses be consulted prior to finalising locations.

LEGAL/POLICY:

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;
4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause.

In addition, it is recommended that the Council impose the same conditions for other events which will incorporate the following:

- (a) All applications for food vendors must be submitted by the specified closing date.
- (b) Assistance from LCAG committee to ensure unauthorised food activities closed by the Town's Environmental Health Officers remain non-operational.
- (c) LCAG is to inform the Town of all food and drinks stalls and Coke and Ice-cream vans, prior to commencement of the Festival.
- (d) All power, water supplies and waste water disposal to be fully operative in all food vans prior to the commencement of the Festival.
- (e) LCAG is to be responsible to ensure that parking permits are issued to stall holders.
- (f) All access ways into the event to be manned by personnel allocated by the organising committee.
- (g) **Noise**
 - No amplified music or public address to be permitted prior to 10:00am or after 9:00pm as detailed in the submissions.
- (h) **Food**
 - All food related stall holders to liaise with Environmental Health Officer to apply for a Temporary Food Handling Permit at least 14 days prior to the event. Please note only fresh food prepared in a commercial kitchen can be sold to the public.
 - It is confirmed that all perishable foods (including food tasting) are to be kept at safe temperatures and protected from contamination.

(i) **Toilets**

- In addition to the public facilities available, 4 temporary portable facilities shall be provided, with one be reserved for the use of food handlers (should food vans, and preparation be involved). It is highly recommended that one unisex disabled WC be provided.
- The toilets to be readily accessible to the public and their location well advertised. Screening of toilets to be provided to ensure privacy and designated signage for which sex they are intended.
- Consumables (toilet paper, soap & paper hand towels to be replenished during the event. In addition, sanitary bins to be provided in portable toilets designated for females.
- Servicing and cleaning of toilets to be carried out on a regular basis throughout the event. The contractor for the toilets is to be on call in case toilets become full or blocked.
- Should the event become an annual function it can be anticipated that connection to sewer will be required.

(j) **General**

- The Risk Management Plan referred to in the submission should also contain a noise management plan, which should be updated and provided to the Town's Health Services at least 28 (twenty-eight) days prior to the event.
- In regards to cleaning and rubbish disposal the event organisers should liaise with the Town's Technical Services. Rubbish and litter collection should occur during the event and a major clean up should be conducted by 12:00 noon the following day.
- Should Fire Works be intended then application should be made to the Department of Minerals and Energy, Police and Town of Vincent at least 14 days prior to the event.
- Structural Certification and a copy of Public Liability Cover to be submitted for entertainment such as Fly Motion.
- No external entertainment is permitted after 9:00pm.
- Only premises holding a current Alfresco Dining Licence will be permitted to have Alfresco Dining.
- It is recommended that the Office of Racing, Gaming and Liquor be contacted for the relevant approvals for Liquor Licences.
- The First Aid Posts be suitably positioned to cover the entire event (They should have direct communication with crowd controllers, Police and the event organisers).
- Please confirm the crowd controller/security company name and 2 mobile contact numbers.
- A clear site plan to be provided detailing location of all events, toilets, ambulances, entertainment, stalls, and street closures.
- All activities including displays, street theatre (buskers), amplified music to be contained in the specified area.
- Animal farm and animal rides to be located a minimum of 18 metres from any food vans, and all animal faeces to be regularly collected and bagged for immediate disposal in a waste receptacle.
- The event organisers are to require all artists/performers/participants to refrain from using offensive explicit language and behaviour and activities, which could impact on the safety and amenity of the patrons.
- The event organisers to provide a list of relevant contact mobile phone numbers. This should include at least two contacts for the event organiser and crowd controllers.

(k) **Public Building Matters**

- Provide details of any temporary public buildings (eg. Marquees) that are to be constructed. Details should include, seating arrangements, exit widths, size and electrical compliance certification.
- Exclusion zones to be provided around the following:
 - Skate boarding demonstrations and displays, and entertainment such as Fly Motion.
- Certification for all stage(s) to be provided advising they are structurally sound, and fire safe.
- Overcrowding – all reasonable precautions to be taken to prevent overcrowding and crowd controllers to take steps where necessary.

(l) **Street Entertainment**

- All street entertainment to be pre-approved with a site map on allocated spaces provided to the Town. Any inappropriate or hazardous activity will not be approved.
- The location of street entertainment to be mutually agreed upon by the Town.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area

2.1 Celebrate and acknowledge the Town's cultural diversity

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

FINANCIAL/BUDGET IMPLICATIONS:

Grants have been requested from the Town of Vincent, Healthway, and Lotteries Commission and the funds received will help in setting up the Festival and provide for the infrastructure in securing contractors and all other parties involved.

An amount of \$15,000 has been listed in the 2005/2006 Budget for the 2005 festival which is the same as provided last year. The budget amount will enable the group to cover costs such as traffic management and road including all-day attendance by qualified personnel, advertising and the hire of water-filled barriers.

Event organisers have requested an increase in funding to a total grant of \$16,500 to take into account rising costs in organising the event and given the decrease in sponsorship available to the organisers.

Given the size of this activity they fall within Council's Policy 3.2.5 for Concerts and Events where significant fees and bonds are involved. The following fees (including GST) would apply for this event based on an estimate of 5000 to 12000 patrons:

Application Fee	\$ 82.50
Event Fee	\$11,000.00
Bond	<u>\$13,200.00</u>
Total	\$24,282.50

It is recommended that the Town waives the application fees and event management fees to assist with the organisation of the event. It is further recommended that the Bond be reduced to \$2,000.00, similar to the reduction approved in similar applications.

COMMENTS:

Further conditions will be imposed on the use of Oxford Reserve to protect pathways and public art installations, with restrictions on the type of activities being held at the reserve itself. This will be discussed further at the internal working group meetings.

The Town supports the Festival with the provision of allocated sponsorship funds and the availability of officers who have met with event organisers a number of times to advise on the appropriate processes and procedures relevant to organising an event of this nature. The festival has proven to be a popular event in the Town's calendar.

10.3.4 Community Sporting and Recreation Facility Fund (CSRFF)

Ward:	North	Date:	28 September 2005
Precinct:	North Perth P8	File Ref:	FIN0074
Attachments:			
Reporting Officer(s):	R Clowes		
Checked/Endorsed by:	J Anthony/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the following application in support of Community Sport and Recreation Facility Funds (CSRFF), prior to their lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support these applications through the CSRFF program; and*
- (ii) *APPROVES the applications listed in the following order of priority:*

<i>Ranking</i>	<i>Rating</i>	<i>Applicant</i>	<i>Recommended Council contribution</i>
<i>1</i>	<i>High</i>	<i>North Perth Tennis Club</i>	<i>\$34,427</i>

COUNCIL DECISION ITEM 10.3.4

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to endorse the CSRFF application for the North Perth Tennis Club.

DETAILS:

The purpose of the Community Sport and Recreation Facility Fund is to help the Western Australian Government provide assistance to community groups and local government authorities to develop well-planned facilities for sport and recreation. The types of projects that will be considered for funding include the construction of new facilities and upgrading, modification or additions to existing facilities to better suit community needs and provide greater opportunities for participation.

In July 2005 the Community Sporting and Recreation Facilities Fund (CSRFF) grant applications were advertised in the newspaper and application forms were available from local authorities and The Department of Sport and Recreation web site. CSRFF applications had to be submitted to the Town of Vincent by 4.00pm Tuesday 27 September 2005. Applications must be lodged at the Department of Sport and Recreation no later than 4pm, Friday 31 October 2005.

The maximum grant funded by the Department of Sport and Recreation will be no greater than one-third of the total cost of a project. The grant must be at least matched by the applicant's own cash contribution.

DETAILS:

1. *NORTH PERTH TENNIS CLUB*

Proposed Project

Two hard courts and lights developed on an area of leased land with the current six courts in the multi-function sporting and community facility at Woodville Reserve.

Total Cost

\$103,281 (exclusive of GST)

Amount sought from Council

\$34,427 (exclusive of GST)

Background

The multi-functional sporting and community facility at Woodville Reserve currently consists of North Perth Tennis Club, North Perth Bowling Club, French Mauritian Society, North Perth Multicultural Day Centre and various seasonal soccer clubs.

Due to the number of people that use the reserve and facility, including the groups listed above as well as the general public, this project aims to use an area of leased land which is capable of being developed for another two courts with lighting. This project will enable the club to expand its season and hours of play to members, schools and the general public. The area in question was previously leased by the North Perth Croquet Association and was used as croquet greens. Since the club vacated to occupy alternative premises, the area has been left fallow and not been utilised to its potential. The tennis club believes that utilising the space with the construction of 2 hard courts will assist in the long term sustainability of the club which has had a long history (92 years) of providing tennis facilities to the community.

Recommendation

This project is supported in principle and it is recommended that Council support this application with the provision of \$34,427 for the development of a further two hard tennis courts with lights at the Woodville Reserve multi-function sporting and community facility.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

The support of CSRFF grants is in keeping with the Town's Strategic Plan 2005-2010:
KRA 1.4

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

KRA 2.2(f) *"Investigate and implement mechanisms to improve community participation"*.

FINANCIAL/BUDGET IMPLICATIONS:

Recommended funding for the projects will be listed in the 2006/2007 Budget for further consideration.

COMMENTS:

Council's endorsement of the above CSRFF applications is dependent on the support of these applications through the CSRFF program by the Department of Sport and Recreation.

Following Council's consideration of these projects, completed applications will be forwarded to the Department of Sport and Recreation for their consideration. The Town of Vincent will be notified in February 2006 of the project's success or failure to receive state funding. Grant monies will be made available from July 2006.

10.3.5 Cultural Development Seeding Grant Applications – Birthplace Support Group and Agelink Theatre

Ward:	Both	Date:	19 September 2005
Precinct:	All	File Ref:	CMS0008
Attachments:	-		
Reporting Officer(s):	R Clowes		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES the Cultural Development Seed Grant applications for the:

- (a) *Birthplace Support Group for \$500 to go towards the art worker’s fees for the new Baby Picasso program; and*
- (b) *Agelink Theatre for \$1,000 to go towards production costs of “Coming Home” oral history theatre project.*

COUNCIL DECISION ITEM 10.3.5

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

To seek approval for a Cultural Development Seeding Grant application for the Birthplace Support Group and Agelink Theatre.

BACKGROUND:

1. Birthplace Support Group

Birthplace Support Group is a non-profit community network that supports the needs of childbearing women and their families. Baby Picasso is a new program designed to capture the voices of birth and early childhood expression in art which will allow them to communicate their emotions in a stressful time. The program will provide community support for pregnant mothers, new parents and particularly young children preparing for the arrival of a new sibling.

Resident artist Natasha Stone will be the facilitator in the program and the art will be a large scale textile work with pieces of mementos sewed/glued on items to be displayed in the Town of Vincent library or other council buildings (eg child care centres).

This funding will go towards the art worker's fees. The program will also be held in the Town of Vincent as part of the funding conditions and will be fully accessible to all members of the community including people with a disability.

2. Agelink Theatre

Agelink Theatre was established in 1993 and provides intergenerational and interactive travelling theatre productions that are based on the recollections of seniors. Coming Home is an oral history theatre project that will focus on the story of Anzac Cottage and the first family that resided there and other families welcoming returned soldiers from WWI and II, Korea and Vietnam. It will then be performed on the 12 February 2006 as part of Town of Vincent Summer Concerts in Braithwaite Park making it a free event for the community to attend. This date is also the 90th anniversary of the Anzac Cottage in Mount Hawthorn being built.

The funding will go towards associated costs for production such as buying materials.

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

STRATEGIC IMPLICATIONS:

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

2.1 Celebrate and acknowledge the Town's cultural diversity.

Action Plans to implement this strategy include:

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

FINANCIAL/BUDGET IMPLICATIONS:

\$5,000 is budgeted in 2005/06 budget for Cultural Seeding Grants, \$3,000 remains unallocated.

COMMENTS:

Birthplace Support Group and Agelink Theatre meets the criteria for the Cultural Seeding Grant this year and they will acknowledge the Town's support of the programme with Town of Vincent signs or banners to be displayed.

An acquittal form will be completed by the Birthplace Support Group and Agelink Theatre, after the event, detailing how the Cultural Development Seeding Grant was expended.

10.4.2 Information Bulletin

Ward:	-	Date:	5 October 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 11 October 2005 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 11 October 2005 are as follows:

ITEM	DESCRIPTION
IB01	Use of Special Control Areas in Town Planning Schemes – WAPC Bulletin
IB02	No. 24 (Lot 150) Britannia Road, Mount Hawthorn – Change of Use from Single House to Single House and Recreational Facility (Gymnasium) and Associated Alterations (Part Application for Retrospective Approval) – Review Matter Nos. DR 420 of 2005 and DR 552 of 2005
IB03	No. 36 (Lot 500) Paddington Street, North Perth – Proposed Additions, Alterations and Additional Two-Storey Grouped Dwelling to Existing Single House – Review Matter No. DR 536 of 2005
IB04	Letter from Western Power re East Perth – Joel Terrace 66kV Underground Cable Replacement
IB05	Register of Petitions - Progress Report - October 2005
IB06	Register of Notices of Motion - Progress Report - October 2005
IB07	Register of Reports to be Actioned - Progress Report - October 2005
IB08	Register of Legal Action
IB09	Register of State Administrative Tribunal Appeals
IB10	Notice of Forum - 18 October 2005

10.1.11 No. 196 (Lot 556 D/P: 2177) Anzac Road (Corner Federation Street), Mount Hawthorn - Proposed Demolition of Existing Outbuilding (Shed) and Construction of Single Bedroom Dwelling to Existing Single House

Ward:	North	Date:	4 October 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2723; 5.2005.2828.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Taylor on behalf of the owner T M Martin for proposed Demolition of Existing Outbuilding (Shed) and Construction of Single Bedroom Dwelling to Existing Single House, at No. 196 (Lot 556 D/P: 2177) Anzac Road (corner Federation Street) Mount Hawthorn, and as shown on plans stamp-dated 29 September 2005, subject to:

- (i) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road and Federation Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ii) *any new street/front wall, fence and gate between the Anzac Road boundary and Federation Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion adjacent to the Federation Street boundary from the above truncation(s) along the existing single house, 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.*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (v) *prior to the clearance of the diagram of survey for the creation of the subject lots, the perimeter walls of the approved single bedroom dwelling shall be constructed to plate height;*
- (vi) *if the power pole on the Federation Street verge adjacent to the subject dwelling is required to be relocated to accommodate compliant vehicular crossovers, the power pole shall be relocated at the owner's costs, prior to the first occupation of the development; and*
- (vii) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking that the proposed dwelling shall be used as a single bedroom dwelling only and that no floor shall be erected in the void as shown on the approved plans stamp dated 29 September 2005. All costs associated with this condition shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

- 22 June 2004 At its Ordinary Meeting, the Council refused revised plans stamp dated 28 May 2004, for the following reasons:
- "1. The proposed development does not comply with the average site area per dwelling/lot size requirements of the Residential Design Codes R30 density code.*
 - 2. The proposed development does not meet the performance criteria provisions under Clause 3.1.3 of the Residential Design Codes relating to variations to the minimum site area requirements, and would therefore result in the proposed development being inconsistent with the orderly and proper planning and the preservation of the amenities of the locality.*
 - 3. Approval of the proposed development would create an undesirable precedent for development of lots with similar sizes within the area.*
 - 4. Consideration of objections received.*
 - 5. The place as it will remain, does not warrant a density bonus under Clause 20 of the Town Planning Scheme.*
 - 6. Proposed alterations to the existing property would substantially erode the place's integrity and any purported heritage value."*
- 16 July 2004 Previous TPAT resolved to dismiss the appeal.
- 12 April 2005 At its Ordinary Meeting, the Council refused an application for proposed additional single storey single house to existing single house for the following reasons:
- "(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (ii) the development does not comply with the average and minimum site area per dwelling requirements of the Residential Design Codes R 30 density code;*
 - (iii) the Council has previously resolved that the place as it will remain, does not warrant a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1; and*
 - (iv) consideration of the objections received."*
- 9 August 2005 At its Ordinary Meeting, the Council refused an application for proposed demolition of existing outbuilding (shed) and construction of additional single house to existing single house for the following reasons:
- "1. the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*

2. *the development does not comply with the average and minimum site area per dwelling requirements of the Residential Design Codes R 30 density code;*
3. *the development does not comply with the access and car parking requirements of the Residential Design Codes;*
4. *the Council has previously resolved that the place as it will remain, does not warrant a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1;*
5. *consideration of the objections received;*
6. *the proposed crossover for the existing house accessed off Anzac Road does not comply with Australian Standard AS/NZS 2890.1:2004 as the proposed crossover would be located within 6 metres of the kerb tangent point;*
7. *the proposed crossover for the existing house accessed off Federation Street does not have the required clearance from the existing power pole. The measured width from the rear of the existing house and southern edge of the existing power pole is approximately 2.7 metres and the required minimum width of a crossover is 3 metres with a 0.5 metre offset from the edge of the power pole; and*
8. *the car bays for the proposed dwelling are 2.5 metres wide and not the required 2.7 metres wide."*

- 16 August 2005 Owners of No.196 Anzac Road, Mount Hawthorn lodged an application for the review of the Council determination at its Ordinary Meeting on 9 August 2005, with SAT.
- 13 September 2005 The Council at its Ordinary Meeting resolved to refuse for proposed demolition of existing outbuilding (shed) and construction of additional single house to existing single house (Development Application No.5.2005.3110.1).
- 21 September 2005 Direction hearing at SAT.
- 4 November 2005 Date set for full SAT Hearing.

DETAILS:

The proposal involves demolition of existing outbuilding (shed) and construction of single bedroom dwelling to existing single house, at No. 196 (Lot 556 D/P: 2177) Anzac Road (corner Federation Street), Mount Hawthorn. The proposed single bedroom dwelling will front Federation Street.

The proposal is compliant with the requirements of the Residential Design Codes pertaining to single bedroom dwellings. In light of the background to the application, it is being referred to the Council for determination.

The Town's records indicate that there is no subdivision application for the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 single house plus 1 single bedroom dwelling as permitted under clause 3.1.3 A3 (i) variation to the minimum site area required.	1 single house plus 1 single bedroom dwelling as permitted under clause 3.1.3 A3 (i) variation to the minimum site area required.	Supported - proposal is compliant with the variation to the minimum site area requirements of the Residential Design Codes for single bedroom dwellings.
Plot Ratio	60 square metres	56.02 square metres	Noted
Setback Upper Floor-East (Main Dwelling)	6 metres (4 metres)	5 metres	Supported - do not unduly impact on streetscape and amenity of the area.
East (Balcony)	6 metres (3 metres)	5 metres	Supported - The Town's practice is to support a 3 metre Setback to upper floor balconies providing there is no undue impact on streetscape and amenity of the area.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> Density 		Not supported - application is compliant with the variation to the minimum site area requirements of the Residential Design Codes for single bedroom dwellings.
	<ul style="list-style-type: none"> Streetscape Two-storey dwelling is not in character of the locality 		<p>Not supported - proposal is not considered to have an undue impact on the streetscape and surrounding amenity.</p> <p>Not supported - as above.</p>

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

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

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

COMMENTS:

The applicant has advised that the void indicated on the plans is intended to remain a void, however, it is recommended in the Officer Recommendation that the owner enters into a legal agreement with the Town to ensure this void remains a void and that no additional flooring is erected, and the subject dwelling remains as a single bedroom dwelling only.

The proposal is compliant with the single bedroom dwelling requirements of the Residential Design Codes. In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.3.2 Hyde Park Rotary Community Fair 2006

Ward:	North Perth	Date:	29 September 2005
Precinct:	Hyde Park Precinct P12	File Ref:	RES0031
Attachments:			
Reporting Officer(s):	J Anthony		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES of the Rotary Club of North Perth to hold the Hyde Park Community Fair on 5 and 6 March 2006 in Hyde Park, subject to;*
 - (a) *event application fees for the fair at Hyde Park being waived;*
 - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
 - (c) *full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report; and*
 - (d) *acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report; and*
- (ii) *APPROVES the sponsorship contribution of \$10,000 to assist with the costs of the event as listed in the 2005/2006 Budget.*

COUNCIL DECISION ITEM 10.3.2

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

PURPOSE OF REPORT:

To approve of the Hyde Park Community Fair to be held in the Town of Vincent subject to conditions as listed in the report.

DETAILS:

The Rotary Club of North Perth has submitted a proposal to hold the Hyde Park Community Fair on the Labour Day long weekend of 5th and 6th of March 2006.

The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus.

The Rotary Club of North Perth considered the 2005 Hyde Park Fair to be successful, with good attendance figures, increased stall holders and quality entertainment.

In 2005, event organisers put in place the following additional conditions on stall holders to ensure appropriate behaviour in the park;

1. "Exhibitors are not permitted to affix anything to any trees or shrubs in the Park. If exhibitors are erecting a tent or shade, please advise the Organisers on your application form. The Organisers are responsible for any damage to the Park vegetation;
2. Exhibitors are requested to leave their site as clean as possible at the end of the Hyde Park Community Fair and to remove all cardboard cartons, boxes and containers;
3. Leaf and ground coverage is not to be removed from the ground of your site; and
4. All exhibitors must be careful with their vehicles and any damage to facilities, trees or gardens will be charged to the exhibitor. Many trees on the park are of historical significance and must be preserved, please be respectful of this."

An internal working group has been established to determine a management plan and coordinate the Fair from the perspective of the Town with the following representatives:

- ◆ Manager Community Development (Chairperson)
- ◆ Manager Parks Services
- ◆ Manager Ranger Services and Community Safety
- ◆ Manager Health Services
- ◆ Public Events Section, WA Police Service
- ◆ plus representatives from the organising committee.

In previous years, the Working Group has met regularly and discussed the conditions as stipulated plus coordinated a management plan for the smooth running of the fair.

The plan included the following aspects:

1. Parking allocations and permits;
2. Coordination of the Town of Vincent display;
3. Allocation of sites and vetting events;
4. Risk Management Plan;
5. Food stall permits and inspections;
6. Review number of community groups and strategies to increase their involvement;
7. Site inspections; and
8. Noise management.

The Fair will have community stalls, carnival rides, stage entertainment and other community attractions. This year, fair organisers continue to be committed to encouraging the involvement of local community groups. Organisers are also committed to improving the calibre of entertainment.

The Hyde Park Community Fair has in previous years been monitored by Council officers from various service areas. All officers involved reported satisfaction with the proceedings of the Fair with no major problems. Additional conditions pertaining to noise control, litter control and additional temporary toilet facilities (including accessible facilities) were implemented last year and will continue to be enforced in future events.

In seeking permission to hold the event the Rotary Club of North Perth Inc have agreed to the following amongst other conditions imposed by the Town;

1. Abide by all health regulations in regard to food handling and preparation; provision of adequate toilet facilities; isolating pony and camel rides at a distance from food preparation and sales; and arranging for all food permits from food vendors to be completed and submitted to the Town of Vincent at an early date;
2. Being aware of the problems with illegal parking on the grounds of Hyde Park and having successfully handled the problem in with parking marshals and clear signage;
3. In 2006 contractors driving heavy vehicles onto the park will be required to provide a bond and be briefed as to further penalties the Club will impose for negligent driving. Supervision of trucks exiting the park will be imposed plus a condition that all operators leave the park by mid morning on the Tuesday following the fair; and
4. The Rotary Club of North Perth Inc. will be responsible for carrying out any reasonable request placed on it by the Town of Vincent.

CONSULTATION/ADVERTISING:

NIL

LEGAL/POLICY:

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;
4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause. In addition, it is recommended that the Council impose similar conditions that were imposed for last year's event.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010

Key Result Area 2.1 Celebrate and acknowledge the Town's cultural diversity

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

FINANCIAL/BUDGET IMPLICATIONS:

The Rotary Club of North Perth has received a sponsorship of \$3,000 (three thousand dollars) in 2003 and 2004 for this event. An increase in sponsorship to a total of \$10,000 (ten thousand dollars) was provided for the event in the 2005. An amount of \$10,000 has been listed in the 2005/2006 Budget for the 2006 event.

Event organisers have requested an increase in sponsorship from \$10,000 to \$12,000 to cover increased costs in organising the Fair.

COMMENTS:

Fair organisers have been constructively implementing improvements to the fair based on the community feedback received via survey in 2004. There were comments on the impact on the park, parking and increasing commercial nature of the fair. Concerted efforts were made in liaison with Town's staff to invite and include more community groups to be part of the Fair. In 2005, approximately fifty (50) community groups were involved in the fair.

The event organisers have proposed the following strategies to invite more community groups to the fair;

- o meet with local arts and crafts groups;
- o offer arts and craft groups a 20% discount in site fees;
- o attend other events and make contact with community groups and give them the information on the Fair;
- o early advertising that calls for exhibitors and performers in November/December 2005;
- o work with sponsors and supporters of the Fair to inform the community groups they are linked with (including Town of Vincent, Healthway etc);
- o mail all local community groups and schools in November notifying them of the Fair and the activities associated with the Fair; and
- o review the promotion, advertising and publicity of the Fair.

This is one of the most heavily patronised events organised in the Town apart from the Leederville Street Festival which also receives sponsorship funds from the Town. The sponsorship by the Town will provide the opportunity for the Town to be featured in advertisements in the West Australian and community newspapers. The revenue from the Fair will continue to be allocated to a variety of community based initiatives.

The Rotary Club has taken responsibility for any damage on the park through the forfeit of the bond in previous years and they are proactive in working with officers to ensure damage is minimised. It is considered that the Rotary Club of North Perth has managed the Fair in accordance with the recommendations outlined by officers, if conducted in the same manner incorporating suggested minor improvements, the Fair will continue to be well supported by the Town and the community.

10.1.2 Further Report - No. 516 (Lot 5 D/P: 3830) Fitzgerald Street, North Perth - Alterations, and Garage with Loft and Carport Additions to Existing Single House (Application for Retrospective Approval)

Ward:	South	Date:	3 October 2005
Precinct:	Norfolk; P01	File Ref:	PRO2368; 5.2005.2855.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by LA Ingram for Alterations, and Garage with Loft and Carport Additions to Existing Single House (Application for Retrospective Approval), at No. 516 (Lot 5 D/P: 3830) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 12 May 2005, subject to:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *the subject approved garage/games room structure shall not be used for industrial or commercial purposes, or additional accommodation, or a separate dwelling to the main dwelling; and is for the sole personal use of the inhabitants of the main dwelling only;*
 - (c) *no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved structure, without the prior approval of such by the Town; and*
 - (d) *the street/front wall, fence and gate between the Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, shall be modified within 28 days of notification to comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level. and*
 - (6) *the solid portion adjacent to the Fitzgerald boundary, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (ii) *the Council ADVISES the applicant and owner that the works that form part of clause (i) (d) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this twenty-eight (28) days period.*

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be amended as follows:

"That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by LA Ingram for Alterations and Additions, ~~and Garage with Loft and Carport Additions~~ to Existing Single House (Application for Retrospective Approval), at No. 516 (Lot 5 D/P: 3830) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 12 May 2005, subject to:*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

~~(b) the subject approved garage/games room structure shall not be used for industrial or commercial purposes, or additional accommodation, or a separate dwelling to the main dwelling; and is for the sole personal use of the inhabitants of the main dwelling only;~~

~~(c) no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved structure, without the prior approval of such by the Town; and~~

~~(d)~~ (b) *the street/front wall, fence and gate between the Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, shall be modified within 28 days of notification to comply with the following:*

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

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

(3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

(4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*

(5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level. and*

(6) *the solid portion adjacent to the Fitzgerald boundary, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*

(ii) 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 LA Ingram for Garage with Loft to Existing Single House (Application for Retrospective Approval), at No. 516 (Lot 5 D/P: 3830) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 12 May 2005, subject to:

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

(b) the subject approved garage/games room structure shall not be used for industrial or commercial purposes, or additional accommodation, or a separate dwelling to the main dwelling; and is for the sole personal use of the inhabitants of the main dwelling only;

(c) no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved structure, without the prior approval of such by the Town; and

(d) the wall of the garage with loft addition on the southern elevation being modified to provide a boundary (parapet) wall to the southern boundary within 28 days of notification; and

~~(ii)~~ (iii) *the Council ADVISES the applicant and owner that the works that form part of clause (i) ~~(a)~~ (b) and (ii) (d) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this twenty-eight (28) days period."*

Debate ensued.

Cr Torre departed the chamber at 6.57pm.

Debate ensued.

Cr Torre returned to the chamber at 7.05pm.

Debate ensued.

Cr Chester (Mover) and Cr Farrell (Seconder) withdraw clause (ii)(d).

AMENDMENT CARRIED (9-0)

Moved Cr Chester, Seconded Cr Lake

That a new clause (ii)(d) be added to the recommendation as follows:

“(ii) (d) the existing wall of the garage with loft addition on the southern elevation being modified to provide a parapet wall to the southern boundary within 28 days of notification; and”

Debate ensued.

AMENDMENT CARRIED (9-0)

Moved Cr Messina, Seconded Cr Lake

That a new clause (ii)(e) be added to the recommendation as follows:

- “(ii) (e) *the entire area of the windows to the garage with loft addition on the upper level on the western elevation shall be screened with a permanent obscure material and be non-openable, within 28 days of notification. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*”

AMENDMENT CARRIED (8-1)

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

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

That clause (iii) of the recommendation be amended as follows:

- “(iii) *the Council ADVISES the applicant and owner that the works that form part of clause (i)(b), ~~and~~ (ii)(d) and (ii)(e) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this twenty-eight (28) days period.*”

AMENDMENT CARRIED (9-0)

Moved Cr Chester, Seconded Cr Lake

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

- “(iv) *the approval does not make redundant clause (iii) of the Council’s resolution of 22 March 2005 on this matter.*”

Debate ensued.

AMENDMENT CARRIED (9-0)

Moved Cr Messina, Seconded Cr Torre

That the time frame noted in the recommendation be changed from twenty-eight (28) days to ninety (90) days.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.2

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by LA Ingram for Alterations and Additions to Existing Single House (Application for Retrospective Approval), at No. 516 (Lot 5 D/P: 3830) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 12 May 2005, subject to:*

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

(b) *the street/front wall, fence and gate between the Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, shall be modified within 90 days of notification to comply with the following:*

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

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

(3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

(4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*

(5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level. and*

(6) *the solid portion adjacent to the Fitzgerald boundary, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (ii) *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 LA Ingram for Garage with Loft to Existing Single House (Application for Retrospective Approval), at No. 516 (Lot 5 D/P: 3830) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 12 May 2005, subject to:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *the subject approved garage/games room structure shall not be used for industrial or commercial purposes, or additional accommodation, or a separate dwelling to the main dwelling; and is for the sole personal use of the inhabitants of the main dwelling only;*
 - (c) *no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved structure, without the prior approval of such by the Town;*
 - (d) *the existing wall of the garage with loft addition on the southern elevation being modified to provide a parapet wall to the southern boundary within 90 days of notification; and*
 - (e) *the entire area of the windows to the garage with loft addition on the upper level on the western elevation shall be screened with a permanent obscure material and be non-openable, within 90 days of notification. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iii) *the Council ADVISES the applicant and owner that the works that form part of clause (i)(b), (ii)(d) and (ii)(e) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this ninety (90) days period; and*
- (iv) *the approval does not make redundant clause (iii) of the Council's resolution of 22 March 2005 on this matter.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 13 September 2005 resolved to defer the item for further information. The Council required clarification of the portion of the subject development subject to the retrospective approval.

The Town's Officers note that the retrospective portion of this planning application includes:

- the games room structure;
- the pitched roof to the decking/patio;
- the front fence; and
- various minor amendments compliant with the R Codes and the Town's requirements.

The Town's Officers note that the planning application for the retrospective portion reflects the 'as constructed' development as detailed in the Confidential Report (Item 10.4.5) to the Council at its Ordinary Meeting held on 22 March 2005. The relevant matters from the previous Confidential Report are included in a Confidential attachment circulated separately to the Elected Members.

The previous Officer Recommendation for approval therefore remains unchanged, except for a minor amendment to condition (i) (d) to address the retrospective nature of the development.

The following is a verbatim copy of the Minutes of the item placed before the Council at its Ordinary Meeting held on 13 September 2005.

"OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by LA Ingram for Alterations, and Garage with Loft and Carport Additions to Existing Single House (Application for Retrospective Approval), at No. 516 (Lot 5 D/P: 3830) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 12 May 2005, subject to:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *the subject approved garage/games room structure shall not be used for industrial or commercial purposes, or additional accommodation, or a separate dwelling to the main dwelling; and is for the sole personal use of the inhabitants of the main dwelling only;*
 - (c) *no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved structure, without the prior approval of such by the Town; and*
 - (d) *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 Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion*

being visually permeable, with a minimum 50 per cent transparency. The solid portion of any new fences and gates can increase to a maximum height of 1.8 metres, provided that the wall and/or fence has 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; and

- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (ii) *the Council ADVISES the applicant and owner that the works that form part of clause (i) (d) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this twenty-eight (28) days period.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Lake departed the chamber at 7.12pm.

Debate ensued.

Cr Lake returned to the chamber at 7.14pm.

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

That this Item be deferred for further clarification of conditions and more information.

CARRIED (8-0)

(Cr Torre was an apology.)

<i>Landowner:</i>	<i>L A Ingram</i>
<i>Applicant:</i>	<i>LA Ingram</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>630 square metres</i>
<i>Access to Right of Way</i>	<i>East side, 5 metres wide, unsealed, privately owned</i>

BACKGROUND:

29 May 2003 *Development Application received by the Town for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House.*

12 August 2003 *Conditional approval granted at the Ordinary Meeting of Council (OMC) for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House.*

20 August 2003 *Approval to Commence Development issued to applicant.*

15 December 2003 *Building Licence application received by the Town.*

17 December 2003 *Planning Officer requested Planning Approval conditions (i), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x) be included on the Building Licence. Clearance given for issue of Building Licence. Building Licence granted.*

22 March 2005 *Licensed Surveyors certification received from Brook Marsh Licensed Surveyors confirming that the boundary walls and gutters are clear of the boundary from 0.21 metre to 0.26 metre.*

22 March 2005 *The Council, at its Ordinary Meeting, resolved the following:*

"(i) *RECEIVES the report relating to variations to Planning Approval and Building Licence for partial demolition of and alterations, additions, triple garage with cellar and loft to existing single house at No. 516 (Lot 5) Fitzgerald Street, North Perth;*

(ii) *REQUESTS the owners of No. 516 (Lot 5) Fitzgerald Street, North Perth to submit the following information to the satisfaction of the Town, within 28 days of the date of notification:*

(a) *planning application, including relevant plans and payment of the relevant fees, for the existing development and all amendments made to the Planning Approval issued on 20 August 2003;*

(b) *structural engineers certification confirming the structural adequacy of the existing development; and*

(c) *licensed surveyors certification confirming the existing development is located entirely on the subject lot; and*

(iii) *REGARDS as unacceptable the internal administrative processes and practices that provided the Building Licence approval dated 17 December 2003 for alterations and additions to 516 Fitzgerald Street, North Perth with significantly greater variations than the conditional planning approval provided by Council dated 12 August 2003."*

12 May 2005 *Structural Surveyors certification received from Andreotta Cardenosa Consulting Engineers that the structures are structurally adequate.*

12 May 2005 *Application for alterations, and garage with loft and carport additions to existing single house (application for retrospective approval), received by the Town.*

DETAILS:

The proposal involves alterations, and garage with loft and carport additions to existing single house. The application is for retrospective approval.

This report is part of the fulfilment of condition (ii) (a) of the Council's resolution determined at its Ordinary Meeting held on 22 March 2005. The Town's Officers note that the Assessment Table below details all non-compliances with the Town's and Residential Design Codes requirements and does not detail the compliant differences between the Building Licence Plans and previous Planning Approval Plans (as determined at Ordinary Meeting of Council held on 12 August 2003 and detailed in the Confidential Report to the Council at its Ordinary Meeting held on 22 March 2005).

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>0.65 - 409.5 square metres</i>	<i>0.379- 239.26 square metres</i>	<i>Supported - compliant with R Codes requirements.</i>
<i>Setbacks:</i>			
<i>South (Garage/Games Room)</i>	<i>1.5 metres</i>	<i>0.21 - 0.26 metre</i>	<i>Supported - nil setback supported for wall height of 5.5 metres (top of eaves) and 6.5 metres (top of roof pitch) on Planning Approval determined at OMC 13 August 2003.</i>

<p><i>Buildings on Boundary:</i></p> <p><i>South (Garage/Games Room)</i></p>	<p><i>3.5 metres maximum height with an average of 3 metres. (4.3 metres [top of eaves] and 6.2 metres [top of roof pitch] approved on Planning Approval)</i></p>	<p><i>5.5 (top of eaves) and 6.5 metres (top of roof pitch)</i></p>	<p><i>Supported - no undue impact as the wall abuts an existing shed and a large tree that reduces the visual impact of the wall.</i></p>
<p><i>Garage/Games Room: Use</i></p>	<p><i>Not to be used for industrial, commercial or habitable purposes (condition included on previous Planning Approval)</i></p>	<p><i>To be used for habitable purposes.</i></p>	<p><i>Supported - the Town's Officers consider the games room to be used for normal domestic purposes but do not expect it to be occupied frequently nor for extended periods due to its proximity to the main dwelling, therefore support its use as a habitable room.</i></p>
<p><i>Front Fence</i></p>	<p><i>A wall or fence is not to exceed a maximum of 1.8 metres above the adjacent footpath level. The solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the wall and/or fence being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence. The Town may vary the abovementioned requirements when walls and fences to roads that are classified as District Distributor Roads. In these instances, the</i></p>	<p><i>Solid portion 1.89 - 1.97 metres high. Piers with decorative capping to 2.3 metres and Fitzgerald Street is a District Distributor.</i></p>	<p><i>Not supported - conditioned to comply included in the Officer Recommendation.</i></p>

	<i>solid portion of the wall and/or fence may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) appropriate design features to reduce the visual impact.</i>		
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted.</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>Size and dimensions of boundary wall are larger than previous approval.</i> 		<i>Noted.</i>
	<ul style="list-style-type: none"> • <i>Changes should be rejected outright by the Council.</i> 		<i>Noted.</i>
	<ul style="list-style-type: none"> • <i>Overshadowing</i> 		<i>Not supported - the application is compliant with R Codes Design for Climate provisions.</i>
	<ul style="list-style-type: none"> • <i>No consent was given for permission to enter land.</i> 		<i>Noted - not a consideration of this planning application and is a civil matter.</i>
	<ul style="list-style-type: none"> • <i>No indemnity insurance provided by neighbours.</i> 		<i>Noted - not a consideration of this planning application and is a civil matter.</i>
	<ul style="list-style-type: none"> • <i>Not possible for owners of No. 516 Fitzgerald to finish Planning Approval determined 12 August 2003 as they have no right of access over neighbours property.</i> 		<i>Noted - not a consideration of this planning application and is a civil matter.</i>
	<ul style="list-style-type: none"> • <i>Submitted plans show 'cavity face brick'...unsafe.</i> 		<i>Not supported - structural engineers report outlines adequacy of structure.</i>
	<ul style="list-style-type: none"> • <i>Effect of the development on potential of development on neighbouring property.</i> 		<i>Not supported - see comments below.</i>
	<ul style="list-style-type: none"> • <i>The proposed boundary wall is not a parapet wall.</i> 		<i>Not supported - see comments below.</i>
	<ul style="list-style-type: none"> • <i>Privacy issues associated with the games room.</i> 		<i>Not supported - the application is compliant with R Codes Privacy provisions.</i>

<i>Consultation Submissions</i>		
	<ul style="list-style-type: none"> <i>Use of the property cannot be policed and could be used as rental accommodation.</i> 	<i>Not supported in part - the Town's Officers acknowledge the difficulty in policing the use of private property but consider the lack of sanitary and plumbing facilities to ameliorate any concerns about the games room being used for rental accommodation.</i>
	<ul style="list-style-type: none"> <i>Building is significantly different and will have a significant financial impact on adjoining property owner.</i> 	<i>Not supported in part - the Town's Officers agree that the structure is different to the original approval but cannot see any evidence of significant financial impact.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

** The 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:

Buildings on Boundary - Garage/Games Room

The garage/games room was constructed as approved on the Building Licence issued 17 December 2003. It is noted that the wall height on the southern elevation increased from 6.2 metres to the top of roof pitch and 4.3 metres to the top of the eaves on the Planning Approval, to 6.5 metres to the top of roof pitch and 5.5 metres to the top of the eaves on the Building Licence.

The variation required at Planning Approval stage to the wall height for a building on boundary was signed off by the neighbour; however, the increased variations were not signed off by the affected neighbour as part of the Town's most recent advertising period.

Setbacks - Garage/Games Room

The increase in wall height, as outlined above, means that although the setback to the garage/loft has been increased (to 0.04 - 0.26 metre) on the Building Licence, it is still considered as an increase in the variation approved on the previous Planning Approval.

It is noted that the wall is still considered a building on boundary (clause 3.3.2 (i) of the R Codes) when setback 0.04 - 0.26 metre. It is noted that all other setback requirements are compliant with the Residential Design Codes. The wall, including gutter, complies with the provisions of the Building Codes of Australia.

Street Walls and Fences

It is noted that the existing front fence was removed and, therefore, the new front fence should comply with the Town's Street Walls and Fences Policy. The overall height of the fence should be reduced to maximum height of 1.8 metres above the adjacent footpath level. Decorative capping on the top of piers may go to a maximum of 2 metres above the adjacent footpath level and at least two (2) design features be included in the fence to reduce its visual impact. This is consistent with the Town's requirements for District Distributor Roads, such as Fitzgerald Street.

Consultation/Advertising

The retrospective application was advertised for 14 days and one objection was received during this period. The objection raised various concerns, which are outlined in the above Table, and include concerns over future development adjoining the subject site and the definition of a parapet wall.

Future Boundary Wall on Southern Neighbouring Property

It is considered that the boundary wall along the southern boundary approved on the Building Licence issued by the Town on 17 December 2003 would not affect the potential for the adjoining landowner from building a boundary wall adjacent to the existing boundary wall at No. 516 Fitzgerald Street, subject to an application for Planning Approval being submitted to and approved by the Town. The proposed wall will be assessed in accordance with the Residential Design Codes and the Town's Policies.

Existing Southern Boundary Wall on No. 516 Fitzgerald Street

It is noted that Clause 3.3.2 'Boundary Walls - Notes' of the Residential Design Codes 2002 (R Codes) states:

- "i. The term "up to a boundary" means either on the boundary or any point closer than 0.75m between the boundary and the setback provided by Table 1, Table 2 and Figure 2 and Figure 3."*

The subject wall was considered as "boundary (parapet) wall" as indicated in the planning application. The wall with guttering attached, as approved on the Building Licence still complied with Clause 3.3.2 'Buildings on Boundary' (see above notes), in terms of "up to a boundary". In terms of compliance with Part 3.7.1 - Fire Separation of External Walls under the deemed-to-satisfy provisions of the Building Code of Australia (BCA), the external wall of the said outbuilding complies with this provision of the BCA requirements.

When the subject planning application was considered by the Council, the upper floor southern setback of the 'loft' did not comply with Clause 3.3.2 of the R Codes 'Buildings on Boundary' in terms of height and would have been required to be setback 1.2 metres from the boundary. However, as consent for the proposal was received by the adjoining affected landowners for the original planning application, the reduced setback and the bulk and scale of the wall was considered acceptable and approved.

Summary

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

**10.1.13 No. 139 (Lot 8 D/P: 1657) Alma Road (corner Sekem Street), North Perth
- Proposed Additional Two-Storey Single House to an Existing Single House**

Ward:	South	Date:	4 October 2005
Precinct:	North Perth - P8	File Ref:	PRO3310; 5.2005.3158.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by G Versaci for Proposed Additional Two-Storey Single House to Existing Single House at No. 139 (Lot 8 D/P: 1657) Alma Road (corner Sekem Street), North Perth, and as shown on plans stamp-dated 6 September 2005 (excluding site plan) and 28 September 2005 (site plan), for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the building and garage setbacks and open space requirements of the Residential Design Codes, and the Town's Policies relating to Street Setbacks and Vehicular Access.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

LOST (1-8)

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

1. **Precedent**
2. **Secondary Street – similar developments in Sekem Street**
3. **Possibility of making the development more compliant with the appropriate conditions**

ALTERNATIVE RECOMMENDATION

Moved Cr Messina, Seconded Cr Farrell

That an alternative recommendation be adopted as follows:

“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 G Versaci for Proposed Additional Two-Storey Single House to Existing Single House at No. 139 (Lot 8 D/P: 1657) Alma Road (corner Sekem Street), North Perth, and as shown on plans stamp-dated 6 September 2005 (excluding site plan) and 28 September 2005 (site plan), subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage being setback a minimum of 1.5 metres to the Sekem Street boundary to provide adequate visual sight lines for safe vehicle and pedestrian traffic movement. 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 any new street/front wall, fence and gate between the Alma Road Boundary and Sekem 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;

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Alma Road and Sekem Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (v) *the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing north in a good and clean condition.*

Moved Cr Lake, Seconded Cr Maier

That a new clause (iii)(f) be added to the alternative recommendation as follows:

“(iii) (f) revised plans be submitted demonstrating that the garage be setback behind the main building line;”

Debate ensued.

Cr Lake requested that her amendment be withdrawn. The consent of the seconder was not given and the amendment was put to the vote.

AMENDMENT LOST (2-7)

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

Debate ensued.

The Presiding Member, Mayor Catania, advised that Standing Orders must be followed when dealing with the withdrawal of an amendment.

The Chief Executive Officer advised that Standing Orders clause 3.6.6 states that once an amendment is moved, the mover must seek the Council's approval, through the Presiding Member, to have the amendment withdrawn. If there is any dissension from any other Member, then the matter must be dealt with without debate.

Debate ensued.

Moved Cr Lake, Seconded Cr Farrell

A new clause (vi) be added to the recommendation as follows:

“(vi) the application being presented for Public Consultation and no significant objections being received.”

Debate ensued.

AMENDMENT CARRIED (8-1)

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

MOTION AS AMENDED CARRIED (6-3)

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

COUNCIL DECISION ITEM 10.1.13

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 G Versaci for Proposed Additional Two-Storey Single House to Existing Single House at No. 139 (Lot 8 D/P: 1657) Alma Road (corner Sekem Street), North Perth, and as shown on plans stamp-dated 6 September 2005 (excluding site plan) and 28 September 2005 (site plan), subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage being setback a minimum of 1.5 metres to the Sekem Street boundary to provide adequate visual sight lines for safe vehicle and pedestrian traffic movement. 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 any new street/front wall, fence and gate between the Alma Road Boundary and Sekem 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;

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Alma Road and Sekem Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing north in a good and clean condition; and*
- (vi) *the application being presented for Public Consultation and no significant objections being received.*

Landowner:	G & T Versaci
Applicant:	G Versaci
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	511 square metres
Access to Right of Way	South side, 3.5 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the development of an additional two-storey single house to the rear of an existing single house with access proposed off Sekem Street.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 40	2 dwellings R 40	Noted
Plot Ratio	N/A	N/A	N/A
Setbacks: Eastern/front elevation - garage	Setback to garage to be 6 metres to street or setback behind main building line.	1 metre and setback in front of main building line.	Not supported – undue impact on streetscape.
- ground floor	2.5 metres	2.1 - 3 metres	Supported - minor variation and considered to have no undue impact on streetscape.
- portico	1.5 metres	1.1 metres	Not supported - height of portico and reduced setback considered to have an undue impact on the streetscape.
- first floor	6 metres	1.56 -3 metres	Not supported - proposed setback is forward of the side setback line of the existing house and the reduced first floor setback will unduly impact on the streetscape.
Southern elevation (ROW) - ground floor	1 metre	Nil	Supported - no undue impact on adjoining property as setback to right-of-way.
- first floor	3.3 metres	1.2 - 1.932 metres	Supported - as above
Northern elevation - ground floor	1 metre	Nil - 1.2 metres	Supported - applicant is owner of adjoining property and considered to have no undue impact.
- first floor	1.2 metres	Nil - 1.2 metres	Supported - as above

Privacy: Northern elevation	4.5 metres cone of vision setback from a bedroom window.	3.25 metres from bedroom 2 window.	Supported - applicant is owner of affected property with no overlooking onto private courtyard area.
Outdoor Living Area:	Minimum length and width dimension of 4 metres.	3.8 metres	Not supported - minimum outdoor living area is a non-variation requirement of Town's Policy 3.5.16.
Visual Truncation:	1.5 by 1.5 metre truncation required where walls adjoin vehicle access points.	Nil	Not supported - sightlines affected and impedes on safety of access points.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

The applicant was advised by the Town's Officers that the proposed development was not in compliance with the Residential Design Codes and Town's Policies and that revised plans were required to be submitted to address the issues identified in the Non-compliant Table of this report. However, the applicant has advised the Town that the plans will not be amended and requested that the current application be submitted to the Council for its consideration and determination.

Community Consultation

The application was not advertised as no notification or consultation is required for a development that involves variations to a development requirement specified in the Town's Policy - Non-Variation of Specific Development Standards and Requirements and is not supported by the Town's Officers.

Summary

The proposed development, by reason of its scale and design, would result in an overdevelopment of the site, which will be detrimental to the visual amenity and character of the area. The proposed development is contrary to the provisions of the Town's Policies and the Residential Design Codes and is, therefore, recommended for refusal.

10.1.1 Further Report - Unit 1/663 (Lot 53, Strata Lot 1 STR: 10630) Newcastle Street, Dual Frontage to Oxford Street, Leederville - Proposed Awning Addition to Existing Eating House

Ward:	South	Date:	3 October 2005
Precinct:	Oxford Centre; P04	File Ref:	PRO0740; 5.2005.2755.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Serrano on behalf of the owners E, R and T Serrano for proposed Awning Addition to Existing Eating House, at Unit 1/663 (Lot 53, Strata Lot 1 STR: 10630) Newcastle Street, dual frontage to Oxford Street, Leederville, and as shown on plans stamp-dated 4 March 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) the public floor area of the eating house shall be limited to a maximum of 94 square metres. 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;*
- (iv) prior to the first occupation of the development, one (1) class 1 or 2 and three (3) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.*
- (v) doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (vi) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$5,700 for the equivalent value of 2.28 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*
- (vii) a pedestrian pathway with a minimum width of 1.2 metres and having no obstructions, except for the awning, shall be provided at all times adjacent to the frontage of the eating house and match into the existing pathway abutting the southern portion of the subject site.*

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Lake

That clause (iv) of the recommendation be amended as follows:

"(iv) prior to the first occupation of the development, one (1) class 1 or 2 and three (3) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances ~~and within the approved~~ of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;"

Debate ensued.

AMENDMENT CARRIED (7-2)

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

Debate ensued.

Cr Messina departed the chamber at 7.40pm.

Moved Cr Ker, Seconded Cr Farrell

That clause (vii) of the recommendation be amended as follows:

"(vii) a pedestrian pathway with a minimum width of 1.2 metres and with a ramp complying with Australian standards and having no obstructions, except for the awning, shall be provided at all times adjacent to the frontage of the eating house and match into the existing pathway abutting the southern portion of the subject site."

AMENDMENT CARRIED (8-0)

(Cr Messina was absent from the chamber and did not vote.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Messina was absent from the chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Serrano on behalf of the owners E, R and T Serrano for proposed Awning Addition to Existing Eating House, at Unit 1/663 (Lot 53, Strata Lot 1 STR: 10630) Newcastle Street, dual frontage to Oxford Street, Leederville, and as shown on plans stamp-dated 4 March 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) the public floor area of the eating house shall be limited to a maximum of 94 square metres. 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;*
- (iv) prior to the first occupation of the development, one (1) class 1 or 2 and three (3) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (v) doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (vi) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$5,700 for the equivalent value of 2.28 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*
- (vii) a pedestrian pathway with a minimum width of 1.2 metres and with a ramp complying with Australian standards and having no obstructions, except for the awning, shall be provided at all times adjacent to the frontage of the eating house and match into the existing pathway abutting the southern portion of the subject site.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 13 September 2005 resolved to defer the item for further information. The information required includes confirmation on whether the path was part of the original City of Perth approval, the extent to how the proposed development inhibits access to other businesses and access for people with disabilities, and clarification of the extent of consultation.

City of Perth Approval

The City of Perth approval shows a path beginning from the subject site, continuing along the Oxford Street frontage, and east along the Frame Court carpark then north east along the driveway abutting Niche Bar.

Pedestrian Movements

The Town's Officers do not consider the subject development to further preclude access to any other businesses or persons with disabilities as the access from Oxford Street remains unchanged and the current kerb around the subject site does not facilitate movement for people with disabilities.

In light of concerns raised at the Ordinary Meeting of Council held on 13 September 2005, the Town's Officers have included a recommended condition that a pathway that matches the width of the pathway abutting the remaining portion of the building, to be included as part of the approval.

Consultation/Advertising

The proposal was advertised in accordance with the Town's "AA" advertising procedure. A number of letters were returned to the Town. The returned letters did not include the owners of any properties nor the owners and occupiers of the adjoining property to the subject site.

Summary

In considering the application for an outdoor dining area at the subject site the Town's Officers considered the benefits of alfresco dining along other portions of Oxford Street and consider the proposal to have a positive influence on the overall amenity of the Oxford Centre, especially when considering the current usage of the shops immediately south of the subject site.

The previous Officer Recommendation for approval has been changed to include a condition requiring the provision of an appropriate pathway.

The following is a verbatim copy of the Minutes of the item placed before the Council at its Ordinary Meeting held on 13 September 2005.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Serrano on behalf of the owners E, R and T Serrano for proposed Awning Addition to Existing Eating House, at Unit 1/663 (Lot 53, Strata Lot 1 STR: 10630) Newcastle Street, dual frontage to Oxford Street, Leederville, and as shown on plans stamp-dated 4 March 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

- (iii) *the public floor area of the eating house shall be limited to a maximum of 94 square metres. 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;*
- (iv) *prior to the first occupation of the development, one (1) class 1 or 2 and three (3) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.*
- (v) *doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street; and*
- (vi) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$5,700 for the equivalent value of 2.28 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

That the Item be deferred for further information.

CARRIED (8-0)

(Cr Torre was an apology.)

<i>Landowner:</i>	<i>E, R and T Serrano</i>
<i>Applicant:</i>	<i>R Serrano</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre</i>
<i>Existing Land Use:</i>	<i>Eating House</i>
<i>Use Class:</i>	<i>Eating House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>7163 square metres; Strata Lot 1 - 171 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

20 December 1999 *Council, at its Ordinary Meeting, resolved to conditionally approve change of use from shop and food manufacturing to an eating house and associated internal alterations.*

21 October 2003 *Council, at its Ordinary Meeting, resolved to conditionally approve alterations and additions to existing eating house.*

DETAILS:

The proposal involves proposed awning addition to existing eating house. The proposal includes an increase in the intensification of the eating house land use as the alfresco area is located on private property.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection</i>	<i>Nil</i>		<i>Noted</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies.</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.

Car Parking Requirements

<i>Requirements as per Parking and Access Policy</i>	<i>Required</i>
<i>Car parking requirement (nearest whole number)</i> <ul style="list-style-type: none"> • <i>Eating House - existing 69.8 square metres and proposed alfresco addition 24 square metres) - 20.84 car bays</i> 	<i>21 car bays</i>
<i>Apply the adjustment factors.</i> <ul style="list-style-type: none"> ▪ <i>0.85 (within 400 metres of a bus stop)</i> ▪ <i>0.80 (within 50 metres of one or more public car parks in excess of 50 spaces)</i> ▪ <i>0.80 (within 400 metres of a rail station)</i> ▪ <i>0.90 (within District Centre zone)</i> 	<i>(0.4896)</i> <i>10.28 car bays</i>
<i>Minus the car parking provided on-site</i>	<i>3 car bays (number which has been allocated to subject premises)</i>
<i>Minus the most recently approved on-site parking shortfall (after taking into account relevant adjustment factors), that is, 16 car bays (69.8 square metres of public floor area for Eating House) x 0.4896 = 7.83 car bays minus car parking on-site (3 car bays) equals 4.83 car bays shortfall</i>	<i>5 car bays</i>
<i>Resultant Shortfall</i>	<i>2.28 car bays</i>

Bicycle Parking Facilities

<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Restaurant</i> <i>1 per 100 square metres of public area (proposed 69.8) (class 1 or 2).</i>	<i>0.94 space</i>	<i>No class 1 or 2 facilities provided.</i>
<i>2 spaces plus 1 space per 100 square metres of public area (class 3)</i>	<i>2.94 spaces</i>	<i>No class 3 facilities provided.</i>

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed development requires the provision of 1 class 1 or 2 bicycle parking bays and 3 class 3 bicycle parking bays, being 0.94 and 2.94 spaces rounded to the nearest whole number, respectively. This requirement is included in the Officer Recommendation.

COMMENTS:

Cash-in-lieu

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

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

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

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

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

Advertising/Consultation

The application was advertised for 14 days in light of the use of adjustment factors in the Car Parking Table and the subsequent variation to parking requirements. No written submissions were received during this time.

Pedestrian Movements

The proposal is not considered to impact on pedestrian movement, as it is expected that those that use the existing pedestrian path are using it to solely enter and exit the subject premises. The existing footpath along the Oxford Street boundary of the subject site is considered to sufficiently cater for safe pedestrian movement in the immediate locality.

Summary

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

At 7.43pm it was,

Moved Cr Torre, Seconded Cr Farrell

That Items 10.1.12, 10.1.15 and 10.1.19 be brought forward as members of the public gallery were awaiting the outcome.

CARRIED (8-0)

(Cr Messina was absent from the chamber and did not vote.)

10.1.12 No.335 (Lots 10 D/P: 2554 and 11 D/P: 2554), Oxford Street, Leederville- Proposed Change of Use and Partial Demolition of and Alterations and Additions to Existing Office and Incidental Showroom to Create Two (2)Two-Storey Multiple Dwellings and Construction of Additional Four (4) Three-Storey Multiple Dwellings, and Associated Undercroft Carparking

Ward:	North	Date:	4 October 2005
Precinct:	Leederville; PO3	File Ref:	PRO0050; 5.2005.3080.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner V & J Spaseski for Proposed Change of Use and Partial Demolition of and Alterations and Additions to Existing Office and Incidental Showroom to Create Two (2)Two-Storey Multiple Dwellings and Construction of Additional Four (4) Three- Storey Multiple Dwellings, and Associated Undercroft Carparking at No. 335 (Lots 10 D/P: 2554 and 11 D/P: 2554) Oxford Street, Leederville, and as shown on plans stamp-dated 29 July 2005 , subject to:

- (i) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, all openings to balconies, living rooms and bedrooms as indicated and circled (S) on the site plans within 7.5, 6.0 and 4.5 metres respectively, to the non-street boundaries, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (ii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to*

- amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) *prior to the first occupation of the development, the visitor carparking bay shall be clearly marked and signposted for the exclusive use of visitors;*
- (iv) *subject to first obtaining the consent of the owners of No. 337 (Lot 11) and No.333 (Lot 9) Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 337 (Lot 11) and No.333 (Lot 9) Oxford Street in a good and clean condition;*
- (v) *a detailed landscaping plan, including a list of plant species shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *any new street/front wall, fence and gate between the Oxford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (vii) *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;*
- (viii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- (ix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Oxford Street and rear right of way, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

- (x) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xi) *an interpretative plaque or another appropriate form of interpretation medium that recognises the former use and history of the site, and is visible to the public along the Oxford Street frontage shall be installed prior to the occupation of the development. The design and wording on the plaque or other interpretative medium shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the internal width of carbays No. 6 being increased to a minimum of 3 metres;*
 - (b) *the proposed security gate along the rear being a minimum 50 percent visually permeable when viewed from the right-of-way;*
 - (c) *the provision of 1.5 metres by 1.5 metres truncations on either side of garage to the right-of-way; and*
 - (d) *carbay No. 5 closest to the sliding gate being increased in width to a minimum of 2.7 metres.*

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

Cr Messina returned to the chamber at 7.43pm.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-1)

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

Landowner:	V & J Spaseski
Applicant:	Rechichi Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
Existing Land Use:	Office Building and Incidental Showroom
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	688 square metres
Access to Right of Way	Rear western side, 5 metres wide, sealed, Town owned

BACKGROUND:

14 September 2004: Council at its Ordinary Meeting (OMC) resolved to approve the proposed partial demolition of and alterations and additions to existing office and incidental showroom, and additional four (4) three storey multiple dwellings and associated undercroft carparking, at No(s). 335 (Lot(s) 10 and Y11) Oxford Street, Leederville.

DETAILS:

Proposed change of use and partial demolition of and alterations and additions to existing office and incidental showroom to create two (2) two-storey multiple dwellings and construction of additional four (4) three storey multiple dwellings, and associated undercroft carparking.

The immediate adjacent lots to the south and to the north of the subject property along Oxford Street are also zoned Residential R60. The existing building on the site, which is an office and incidental showroom, has ceased operation.

The current access to the site is via a rear right-of way (ROW), from Bennelong Place to Britannia Road. Part of the front façade that was recently added onto the original building is to be demolished.

The applicant has provided a comprehensive submission (attached), which is summarised as follows:

- Proposal results in the discontinuance of an office and associated showroom.
- The variations sought are primarily through the retention of the existing building.
- The proposal falls within the criteria used to consider density bonus under Clause 20 of TPS No.1.
- The plot ratio increase is due to the additional 2 dwellings proposed within the existing building, which was not previously calculated, as ground floor offices within a mixed used development are not included in plot ratio calculations. Hence, there is no actual bulk and scale increase, when compared to the previously approved development by the Council on 14 September 2004.
- Carparking has been provided as required under the R Codes.
- The proposed development will enhance the Oxford Street streetscape.
- Open space has been provided in the form of individual balconies and courtyards.
- Compliance with the 50 per cent overshadowing requirements.

In terms of the issues raised in the submissions, the following is proposed:

- 1.6 metres high screening proposed to second level balcony, from finished floor level.

- In terms of reduction of height, the primary concern relating to solar access is considered not applicable as any overshadowing would be to the southern and not northern side of the subject site. Non-reflective material is proposed with minimal glazing on the northern elevation.
- Window 4 to second floor bathroom has a sill height of 1.6 metres.
- Dining windows to be obscure glazing to 1.6 metre above finished floor level.

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

ASSESSMENT:

Requirement	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65 (481 square metres)	1.18 (813 square metres)	Supported-as the increased plot ratio is partly contained with the existing building, where the previous floor area for the office was not included in plot ratio calculations as per the R Codes. The rest of the multiple dwellings at the rear was previously approved by Council at OMC on 14 September 2004. On the above basis, the bulk and scale remains generally the same.
Density	R60 (4.14 multiple dwellings).	R87 (6 multiple dwellings). Bonus of 44.76 per cent.	As above. Additional details in the "Comments" section.
Communal Open Space	96 square metres	14.4 square metres	As above. Additional details in the "Summary" section.
Open Space	50 per cent (344 square metres)	39 per cent (269 square metres)	As above. Additional details in the "Comments" section.

Setbacks- Ground floor- front/east elevation:	3.283 metres to 4.5 metres	Nil to 200 millimetres (existing)	Supported-as the setback variation will not result in an undue impact on Oxford Street streetscape, and in the context that the original building is to be retained, with the exception of the newly constructed front section.
First floor balcony- front/east elevation	6 metres	3.283 metres	Supported-as the setback variation will not result in an undue impact on Oxford Street streetscape for this particular site.
Setback-ground floor rear/west	3.1 metres	Nil	Supported-as the setback variation will not result in an undue impact on rear right of way streetscape.
Setback-ground floor side/south	2.8 metres	Nil to 4.4 metres	Supported-as part of the setback variation is due to new opening being proposed to the existing building, and in the context that the building is to be retained.
Setback-ground floor side/south	4.2 metres	Nil to 0.2 metre	Supported in part - as above, including a screening condition being imposed.
Setback -first floor rear/west	4.9 metres	4.35 metres	Supported-as previously determined at OMC on 14 September 2004 as acceptable.
Setback -first floor side/south	4.1 metres	0.857 metre to 4.4 metres	Supported-as part of the setback variation is due to new opening being proposed to the existing building, and in the context that the building is to be retained.

Setback -first floor side/south	5.2 metres	0.857 metre to 1.2 metres	Supported in part-as above including a screening condition being imposed.
Setback -ground floor side-north	6.3 metres	Nil to 1.855 metres	Supported-as part of the setback variation is due to new opening being proposed to the existing building, and in the context that the building is to be retained.
Setback -first floor side/north	8.0 metres	Nil to 1.855 metres	As above.
Setback -second floor side/north	1.9 metres	Nil to 1.7 metres	As above.
Height of concealed wall-north	7 metres	10 metres	Supported-as previously determined at OMC on 14 September 2004 as acceptable.
Height of concealed wall-south	7 metres	8.4 metres	As above.
Height of concealed wall/west , rear	7 metres	9.5 metres	Supported-as previously determined at OMC on 14 September 2004 as acceptable.
First floor wall north/side-height and length	Height to be less than 6 metres for 2/3rd length of boundary (30.17 metres).	Average height of 7.5 metres for 2/3 of length of boundary (17.5 metres).	Supported-as previously determined at OMC on 14 September 2004 as acceptable.
Privacy setbacks to bedrooms, living area, balcony and kitchen on south side	4.5 metres, 6 metres and 7.5 metres respectively.	0.2 metre to 2.8 metres.	Not supported- a condition requiring screening to 1.6 metres from the finished floor level has been recommended.
Privacy setbacks to bedrooms, living area, balcony and kitchen on north side	4.5 metres, 6 metres and 7.5 metres respectively.	Nil to 3.5 metres	Not supported- a condition requiring screening to 1.6 metres from the finished floor level has been recommended.
No of storeys-residential	2 storeys.	3 storeys and part basement car park.	Supported - as the proposal has been previously approved by the Council. Additional comments below.

Consultation Submissions		
Support	Nil	Noted
Objections (2)	<ul style="list-style-type: none"> • Concerns with the second level balcony, as unobstructed views would be available into the rear of the existing dwelling to the north elevation. As the dwelling to the north has a living/bedroom to the south facing the proposed development, concerns are raised about the privacy that would be afforded the tenants/residents of the existing dwelling. 	Supported-as a condition requiring screening of all balconies and windows that have the potential to overlook has been recommended.
	<ul style="list-style-type: none"> • Reduction in the height. In terms of the height and setbacks, the proposal will reduce the amount of sunlight to the apartments to the north, as the lower levels of the southern windows provide primary source of light, which could impact on heating cost. 	Not supported-as the proposal complies with the overshadowing requirements of the R-Codes. There is still ventilation and sunlight available through the opening to the open spaces for the dwellings to the north. Height proposed has been previously considered acceptable to Council as approval was granted at the OMC on 14 September 2004.
	<ul style="list-style-type: none"> • May impact on cooling cost due to the possible increase in glare and reflected heat to upper levels of property to the north. 	Not supported -as this is not a valid planning matter.
	<ul style="list-style-type: none"> • Proposal may reduce the resale or rental value of the adjoining development. 	Not supported -as this is not a major planning matter.
	<ul style="list-style-type: none"> • If Council is inclined to approve the proposal, the following concerns are be addressed: <ol style="list-style-type: none"> 1. Window to Unit 4 second floor bathroom to be non-openable, obscure window to allow light only. 2. Provision of a solid full height wall for the second floor balcony facing the north which cannot be seen through or over. Consideration of noise travelling when the balcony is used. 3. Bunker style windows being provided over kitchen to Unit 4 	Supported in part-and a condition to address the issues has been recommended. The window to Unit 4 second floor bathroom is 1.6 metres above the finished floor level. Solid screening of balconies is proposed by the applicant. Screening has not been imposed on some major openings on the basis that they look into blank walls, front open space and are within the building.

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

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

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

COMMENT:

Heritage

The Town's Heritage Officers have advised that the place, which is the former Returned Soldiers Hall, was constructed in circa 1939 and is included on the Town's Municipal Heritage Inventory. It is, therefore, afforded protection under the Town of Vincent Town Planning Scheme No.1 and associated Policies and guidelines.

The land on which the building is located was owned by the Mount Hawthorn branch of the Returned Soldiers League. In 1936, the building now referred to as the Soldiers Memorial Hall was constructed at a cost of one thousand pounds. It continued in this use until 1956 when it was converted to squash courts and other commercial purposes.

The level of significance is medium, owing largely to the extent of past alterations, and should be treated with appropriate consideration. During the 1980s, the place underwent a substantial alteration and an application for a Building Licence dated July 1986 indicates that this was undertaken by Richard Szklarz Architect. To date, historical information relating to the building's original facade has not been located. The result of these accumulative changes is a considerable alteration to the original construction and purpose of the building. This has reduced the authenticity and integrity of the building, however, its historic value remains significant.

It is also considered appropriate that the applicant provide reference to the former use of the site by means of an interpretive plaque visible to the public along Oxford Street.

In light of the above comments, it is considered the proposal is supportable subject to the above conditions.

Residential Car Parking Requirements

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). The residential component requires 12 car bays, and 1 visitor car bay. A total of 13 car bays have been provided for the entire development.

Communal Open Space and Open Space

The R Codes only require each multiple dwellings to be provided with a balcony area of 10 square metres, and one communal open space area of 16 square metres, and not individual outdoor living areas for each dwelling.

The six multiple dwellings have been provided with a balcony area, or equivalent outdoor area, of 10 square metres, directly accessible from habitable room. Also, a communal area of over 14.4 square metres has been provided.

Although it could be argued that the R Codes require a communal open space area of 16 square metres for each dwelling, Table 1 of the R Codes is ambiguous, as it only appears to require one communal area of 16 square metres for the development. Additionally, 96 square metres (6 units x 16 square metres) of communal open space is considered excessive for a development of this scale and nature, where the site is partly constrained by an existing building which is of heritage value and being retained.

In light of the above, that each unit has its own outdoor area, or balcony, for entertaining, the proposed communal open space area is considered adequate to meet the future needs of the residents in dwellings of this size. As such, the open space proposed is considered acceptable.

Building Services

Matters relating to external openings, exit doors, and fire related matters under the Building Code of Australia requirements can be addressed at the Building Licence stage.

Summary

Even though a significant amount of variations are proposed, the majority of the variations are considered to adequately address the relevant performance criteria in the R Codes, except the height of the proposal and the number of storeys proposed. The main issues raised relate to privacy, which has been adequately addressed in the form of screening conditions to prevent undue overlooking.

Clause 20 of TPS No.1 allows Council to consider a 50 per cent increase in dwellings density where "*the proposed development conserves or enhances an existing dwelling or dwellings worthy of retention; or*". Clause 27 of TPS No.1 allows the Council where desirable to facilitate the conservation of a heritage place listed on the Heritage List, to vary any site or development requirements of the Scheme, if the Council is of the view that the variations are likely to not affect any owners or occupiers.

The proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters, as it is not considered to unreasonably affect the amenity of the adjacent or surrounding properties.

10.1.15 No. 6 (Lot 31) Anzac Road, Corner Loftus Street, North Perth - Proposed Demolition of Existing Carport and Patio and Construction of Additional Two-Storey Single House to Existing Single House

Ward:	North	Date:	3 October 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO0730; 5.2005.3128.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by G Merenda on behalf of the owners G and E R Merenda for Proposed Demolition of Existing Carport and Patio and Construction of Additional Two-Storey Single House to Existing Single House, at No. 6 (Lot 31) Anzac Road, corner Loftus Street, North Perth, and as shown on plans stamp-dated 22 August 2005, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the plot ratio, setbacks, buildings on boundary, privacy and vehicular access requirements of the Residential Design Codes, and the Town's Policies relating to Parking and Access, Coronation Locality Plan and Street Walls and Fences, respectively.*

Moved Cr Messina, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

LOST (1-8)

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

Reasons:

1. **Carparking configuration is practical and safe**
2. **Increased and improved open space**

ALTERNATIVE RECOMMENDATION

Moved Cr Messina, Seconded Cr Doran-Wu

That an alternative recommendation be adopted as follows:

“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 G Merenda on behalf of the owner G and E R Merenda for Proposed Demolition of Existing Carport and Patio and Construction of Additional Two-Storey Single House to Existing Single House, at No. 6 (Lot 31) Anzac Road, corner Loftus Street, North Perth, and as shown on plans stamp-dated 22 August 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners No. 2 Anzac Road and No. 250 Loftus Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary walls facing No. 2 Anzac Road and No. 250 Loftus Street in a good and clean condition;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Anzac Road boundary and the Loftus 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 Loftus Street boundary can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that:*
- (a) *the east side of the balcony on the upper floor being screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
- (b) *the second storey boundary wall on the western elevation and the second storey wall to bedroom 1 on the eastern elevation each incorporating at least two (2) significant appropriate design features to reduce the walls' visual impact. The design features shall not be clear glazed openings.*

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

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, agreeing that any future development on Lots 850 and 851 Anzac Road shall have a maximum plot ratio of 0.65 (260 square metres) over the whole of Lots 850 and 851. All costs associated with this condition shall be borne by the applicant/owner(s)."*

Moved Cr Doran-Wu, Seconded Cr Torre

That a new clause (vii) is added to the recommendation as follows:

“(vii) an embayed car-parking bay being constructed to the full cost of the applicant.”

Debate ensued.

Cr Farrell departed the chamber at 7.55pm.

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Farrell was absent from the chamber and did not vote.)

Cr Farrell returned to the chamber at 7.56pm.

MOTION CARRIED (7-2)

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

COUNCIL DECISION ITEM 10.1.15

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 G Merenda on behalf of the owner G and E R Merenda for Proposed Demolition of Existing Carport and Patio and Construction of Additional Two-Storey Single House to Existing Single House, at No. 6 (Lot 31) Anzac Road, corner Loftus Street, North Perth, and as shown on plans stamp-dated 22 August 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners No. 2 Anzac Road and No. 250 Loftus Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary walls facing No. 2 Anzac Road and No. 250 Loftus Street in a good and clean condition;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Anzac Road boundary and the Loftus 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 Loftus Street boundary can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that:*
 - (a) *the east side of the balcony on the upper floor being screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
 - (b) *the second storey boundary wall on the western elevation and the second storey wall to bedroom 1 on the eastern elevation each incorporating at least two (2) significant appropriate design features to reduce the walls' visual impact. The design features shall not be clear glazed openings.*

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

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, agreeing that any future development on Lots 850 and 851 Anzac Road shall have a maximum plot ratio of 0.65 (260 square metres) over the whole of Lots 850 and 851. All costs associated with this condition shall be borne by the applicant/owner(s)."*

Landowner:	G and E R Merenda
Applicant:	G Merenda
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	445 square metres
Access to Right of Way	N/A

BACKGROUND:

- 3 December 2002 Council, at its Ordinary Meeting, resolved to conditionally approve proposed subdivision of the subject site.
- 2 April 2003 The Town received correspondence from the Western Australian Planning Commission (WAPC) issuing conditioned approval for the subdivision of the subject site.
- 26 July 2005 Council, at its Ordinary Meeting, resolved to refuse proposed demolition of existing carport and patio and construction of additional two-storey single house to existing single house.

DETAILS:

The proposal involves demolition of existing carport and patio and construction of additional two-storey single house to existing single house. The plans for the proposed new dwelling are no different to those refused by the Council at its Ordinary Meeting held on 26 July 2005.

It also involves an additional crossover and carport for the existing house. The proposed carport houses 1 (one) car only and the applicant proposes to install an additional carbay on the Anzac Road verge. The Town's Officers note that the applicant has met with the Town's Technical Services and it has no opposition to the proposed car parking layout.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.47 dwellings R 60	2 dwellings R 44.94	Noted - subdivision conditionally approved by WAPC on 2 April 2003.
Plot Ratio:	Proposed Lot 850 - 0.65 - 154 square metres	Lot 850 - 0.45 - 107.5 square metres	Supported - compliant with R Codes requirements.

	Proposed Lot 851 - 0.65 - 105.3 square metres	Lot 851 - 0.84 - 140.2 square metres	Not supported - the Town's Officers are reflecting the Council's reasons for refusal of the previous Planning Application determined at its Ordinary Meeting held on 26 July 2005, and the current application does not adequately address the Council's previous reasons for refusal.
Front Setbacks:			
Upper Floor	6.0 metres	3 metres (balcony) and 4 metres (main building)	Not supported - see comments above.
Setbacks:			
Ground Floor- Western (Laundry, Kitchen and Entry)	1.5 metres	Nil	Not supported - see comments above.
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Northern (Laundry)	1 metre	Nil	Not supported - see comments above.
Eastern (Store and Garage) First Floor -	1 metre	Nil	Not supported - see comments above.
Eastern (Bedroom 1 and Balcony)	1.2 metres	1.0 metre	Not supported - see comments above.
Western (Bedroom 2)	1.2 metres	Nil	Not supported - see comments above.
Northern (Bedroom 2)	1.6 metres	1.5 metres	Not supported - see comments above.
Privacy Setbacks:			
Eastern Elevation (Balcony)	7.5 metres	2.1 metres to eastern boundary	Not supported - see comments above.

Building on Boundary: Number	To one side boundary	To two side boundaries	Not supported - see comments above.
Height and Length	Walls not higher than 3.5 metres with an average of 3 metres for 66 per cent the length of the balance of the boundary behind the front setback	Western boundary: 5.5 metres high wall for 84 per cent of the length of the boundary behind the street setback line on the upper floor and 2.9-3.0 metres high wall for 100 per cent of the length of the boundary behind the street setback line on the ground floor. Eastern boundary: 3.0 metres high wall for 79 per cent of the length of the boundary behind the street setback line on the ground floor	Not supported - see comments above. Not supported - see comments above.
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Car Parking: Existing Dwelling	2 on-site car bays	1 on-site car bay	Not supported - all residential car bays are to be provided on-site.
Street Wall and Fences: Existing Dwelling	No fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to the street shall be a maximum height of 1.2 metres above the adjacent footpath level, with	Solid 2.0 metres high street/front fence and gate.	Not supported - the subject street/front fence is considered to have an undue impact on the streetscape and amenity of the area.

	the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency.		
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No objection to laundry parapet wall 		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

Demolition

The site is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Database and, as such, requires no heritage assessment to be undertaken.

Consultation/Advertising

The proposal was not advertised as a similar proposal was advertised within the last 12 months and the subject application is not supported by the Town's Officers. The submissions received during this time are included in the Assessment Table above.

Summary

In making the recommendation for refusal of the subject application, the Town's Officers are reflecting the Council's reasons for refusal of the previous Planning Application determined at its Ordinary Meeting held on 26 July 2005, and the current application does not adequately address the Council's previous reasons for refusal.

10.1.19 Further Report - No. 116 (Lot 5) Broome Street, Highgate - Proposed Demolition of Existing Single House

Ward:	North	Date:	5 October 2005
Precinct:	Forrest, P14	File Ref:	PRO1307; 5.2005.2703.1
Attachments:	001 - HCWA letter; 002 - HCWA assessment; 003 - engineers reports; 004 - heritage advice; 005 - site plans; 006		
Reporting Officer(s):	H Eames, D Abel		
Checked/Endorsed by:	-	Amended by:	R Boardman, John Giorgi

CEO AND EMEDS RECOMMENDATION:

That in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners R & P Saddik for proposed demolition of existing single house, at No.116 (Lot 5) Broome Street, Highgate and as shown on plans stamp-dated 7 February 2005, subject to:

- (i) *interpretation of the history and significance of Crawshaw's House shall be incorporated into any future redevelopment of the site;*
- (ii) *an interpretative plaque or another appropriate form of interpretation medium that recognises the history and significance of Crawshaw's House, and is visible to the public along the Broome Street frontage, shall be installed prior to the first occupation of the redevelopment of the site. The design and wording of the interpretative plaque or other interpretative medium shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (v) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (vi) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (vii) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (viii) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*

OFFICER RECOMMENDATION:

That the Council;

- ~~(i) — in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by the owners R & P Saddik for proposed demolition of existing single house, at No.116 (Lot 5) Broome Street Highgate, and as shown on plans stamp dated 7 February 2005, for the following reasons:~~
- ~~(a) — the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and~~
- ~~(b) — the place has cultural heritage significance for its rarity, historic, aesthetic and social values;~~
- ~~(ii) — ADVISES the owners of No.116 (Lot 5) Broome Street Highgate, that unsecured, loose or missing roof sheeting on the existing single house shall be secured or replaced within 28 days of the date of notification by the Town;~~
- ~~(iii) — AUTHORIZES the Chief Executive Officer to initiate legal proceedings against the owners of No.116 (Lot 5) Broome Street Highgate, if the works detailed in clause (ii) above remain incomplete after the above 28 days period; and~~
- ~~(iv) — ADVISES the owners that a density bonus and other variations to the development requirements may be available in regards to the conservation of the existing place and redevelopment of the property and adjacent land.~~

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

That clause (i) of the recommendation be amended as follows:

- “(i) interpretation of the history and significance of Crawshaw's House shall be incorporated into any future redevelopment of the site and shall have the approval of the Heritage Council of Western Australia;”*

Debate ensued.

AMENDMENT CARRIED (6-3)

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

Debate ensued.

MOTION AS AMENDED CARRIED (7-2)

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

COUNCIL DECISION ITEM 10.1.19

That in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners R & P Saddik for proposed demolition of existing single house, at No.116 (Lot 5) Broome Street, Highgate and as shown on plans stamp-dated 7 February 2005, subject to:

- (i) interpretation of the history and significance of Crawshaw's House shall be incorporated into any future redevelopment of the site and shall have the approval of the Heritage Council of Western Australia;*
- (ii) an interpretative plaque or another appropriate form of interpretation medium that recognises the history and significance of Crawshaw's House, and is visible to the public along the Broome Street frontage, shall be installed prior to the first occupation of the redevelopment of the site. The design and wording of the interpretative plaque or other interpretative medium shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (v) a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (vi) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (vii) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (viii) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*

CEO AND EMEDS FURTHER REPORT:

The Council at its Ordinary Meeting held on 13 September 2005 considered the subject demolition application and resolved as follows:

"That the matter 'Lie on the Table' until further information is obtained from the Heritage Council of Western Australia."

The owners have requested the Council determine the matter as soon as practicable. The Mayor Nick Catania has submitted a request for the item to be referred back to the Council for further consideration.

In accordance with the above Council decision, the Town wrote to the Heritage Council of WA (HCWA) on 27 September 2005, and sent a follow-up email on 4 October 2005 requesting a response to this letter. Consequently, a meeting has been arranged for 10.00am Friday 7 October 2005 between the Town's Officers and Mr Ian Baxter of HCWA.

An *Additional Information Report* detailing the outcome of the above meeting will be distributed to the Elected Members prior to the Ordinary Meeting of Council to be held on 11 October 2005.

The CEO and EMEDS have changed the Officer Recommendation and are recommending the subject demolition application for the following reasons:

1. The HCWA considers that there is no prudent alternative to the demolition of Crawshaw's House and supports the proposed demolition subject to the condition as contained at clause/condition (i) of the CEO and EMEDS Recommendation.
2. The HCWA has given formal notice of its intent to remove the place from the State Register of Heritage Places. An extract from the Government Gazette giving notice of the HCWA's intention was placed in the Information Bulletin Item 10.4.4 (IB02) at the Ordinary Meeting of Council held on 27 September 2005.
3. The building is currently in a significantly neglected and dilapidated state and requires substantial works to be habitable as detailed in two (2) separate reports from consulting structural engineers (as shown in Appendix 10.1.19). Both reports detail the extensive work required. In some parts, the house is considered beyond repair.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 13 September 2005;

"OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by the owners R & P Saddik for proposed demolition of existing single house, at No.116 (Lot 5) Broome Street Highgate, and as shown on plans stamp-dated 7 February 2005, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*

- (b) *the place has cultural heritage significance for its rarity, historic, aesthetic and social values;*
- (ii) *ADVISES the owners of No.116 (Lot 5) Broome Street Highgate, that unsecured, loose or missing roof sheeting on the existing single house shall be secured or replaced within 28 days of the date of notification by the Town;*
- (iii) *AUTHORISES the Chief Executive Officer to initiate legal proceedings against the owners of No.116 (Lot 5) Broome Street Highgate, if the works detailed in clause (ii) above remain incomplete after the above 28 days period; and*
- (iv) *ADVISES the owners that a density bonus and other variations to the development requirements may be available in regards to the conservation of the existing place and redevelopment of the property and adjacent land.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Messina spoke.

Cr Chester asked several questions.

Moved Cr Chester, Seconded Cr Ker

That the matter 'Lie on the Table' until further information is obtained from the Heritage Council of Western Australia.

CARRIED (5-3)

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

(Cr Torre was an apology.)

Landowner:	Benjamin & Co Pty Ltd
Applicant:	R & P Saddik
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Vacant house
Use Class:	Single House
Use Classification:	"P"
Lot Area:	424 square metres
Access to Right of Way	N/A

BACKGROUND:

The applicant initially applied to the Town for demolition in 1999 following concerns about the condition of the place. At the time, no research or documentation suggested that the place has cultural heritage significance. Following a series of events, the place was included on the State Register of Heritage Places and the Town's Municipal Heritage Inventory.

The applicants have, over a period of 6 years, secured the building and adjacent lots and attempted to negotiate a number of redevelopments, the most recent of which received conditional approval from the Heritage Council of WA (HCWA) and the Town, for the conservation and adaptation of the subject building and redevelopment of the site. Issues relating to vandalism, rubbish and squatters continue despite co-operation of the owners with the Town's Officers. After unsuccessful attempts to proceed with the approved redevelopments, the applicants again submitted an application for demolition in February 2005, discussing the matter with HCWA and commissioning structural engineers to comment on the building and its condition.

SITE HISTORY:

22 November 1999 *The applicant applied for demolition of the subject property due to concerns regarding its condition. The application was recommended for approval by the Officer, however the matter was deferred by the Council to investigate the heritage significance of the place.*

18 January 2000 *The Council further considered the proposed demolition, for which the Officer recommended approval. At the same meeting, a Further Report was tabled at the Council Meeting which outlined research which suggested the place was older and had greater significance than was identified by the reporting officer, and a letter from the Heritage Council of Western Australia that the Town defer the decision relating to the demolition to enable further research and discussion relating to the cultural heritage significance of the place. The Council resolved that the matter "Lay on the Table" and that the Acting Chief Executive Officer assist the Heritage Council of Western Australia in its determination of the significance of the place.*

8 February 2000 *The Council refused the proposed demolition of the existing dwelling at No. 116 (Lot 5) Broome Street, Highgate and commissioned the services of an approved Heritage Consultant to complete a full documentary of the place and to refer the place to the Heritage Council of Western Australia (HCWA). This followed various public submissions and some preliminary independent historical research commissioned by the Town, which highlighted that the Officer's original report, that indicated the place had no cultural heritage significance, was incorrect.*

21 February 2000 *The Town referred the place to the HCWA for consideration for listing on the State Register of Heritage Places.*

18 April 2000 *New planning application received for the redevelopment of the site and retaining the existing dwelling at No.116 (Lot 5) Broome Street, Highgate.*

- 12 May 2000 An approved Heritage Consultant was engaged by the Town and the HCWA to undertake a full Heritage Assessment of the place.*
- 25 May 2000 Planning application referred to HCWA for consideration and comment.*
- 1 August 2000 Heritage Assessment of the place completed and sent to the Town and HCWA for comment.*
- 14 August 2000 Advice received from the HCWA that the planning application was considered and supported, subject to conditions outlined in the recommendation.*
- 22 August 2000 Heritage Assessment of the place received by the Council.*
- 29 August 2000 Advice received from the applicant that an approved Heritage Consultant will be appointed to undertake a conservation works schedule as required by the Heritage Council.*
- 26 September 2000 Council granted conditional approval for proposed alterations and addition to the existing building and 14 additional dwellings, subject to various heritage requirements outlined by the HCWA and the Town.*
- 15 December 2000 The Town received notification from HCWA that the place has been entered in the Register of Heritage Places on an Interim basis.*
- 18 September 2002 The Town received development application for additions and alterations to existing house, two grouped dwellings and 14 multiple dwellings.*
- 13 November 2002 Advice received from HCWA in relation to development application, requiring reconsideration of curtilage, bulk and scale to lessen the impact on 'Crawshaw's Cottage' before HCWA support would be considered.*
- 22 November 2002 The applicant withdrew the development application prior to consideration by the Council.*
- 23 January 2003 Officers discussed amended plans relating to the previous development application with the Applicant.*
- 11 April 2003 HCWA provided comments on the proposed amended plans, supporting the proposal subject to conditions.*
- 2004 Various correspondence between the owners and the Town relating to rubbish and securing of the site. No correspondence or applications relating to the proposed redevelopment of the place.*
- 7 February 2005 Application for demolition received by the Town accompanied by engineer's reports.*
- 14 February 2005 Application for demolition referred to HCWA as required by the Heritage Act for places entered into the State Register of Heritage Places.*

- 8 April 2005 *The Town received a letter from HCWA advising that it considers there is no prudent alternative to the demolition of the place.*
- 3 May 2005 *Applicant undertakes 'SA' advertising relating to the demolition of a place included on the Town's Municipal Heritage Inventory.*
- 8 August 2005 *Town seeks and receives technical heritage advice relating to condition of place.*

DETAILS:

The proposal involves the demolition of existing vacant dwelling. No redevelopment has been submitted with this application.

The place is included on the Town of Vincent's Municipal Heritage Inventory. It is commonly known as 'Crawshaw's Cottage' and was constructed in 1886. The place has been researched and assessed by an architect and historian, which is shown as an attachment to this report, in the form of a Heritage Assessment.

The applicants' submissions in the form of structural engineer's reports are shown as an attachment to this report. The Town's heritage advice sought from a qualified heritage architect is also shown as an attachment to this report.

ASSESSMENT:

<i>Consultation Submissions</i>		
<i>Support (1)</i>	<ul style="list-style-type: none"> <i>"I wholeheartedly support the demolishment [sic]of the house...known locally as the Vincent Rubbish tip"</i> 	<i>Noted.</i>
<i>Objection (2)</i>	<ul style="list-style-type: none"> <i>"The house is very old and historic.</i> <i>It sets a precedent for allowing owners to let historic buildings become run-down"</i> <i>"Disappointed in the Heritage Council's decision to allow the demolition.</i> <i>The cottage has been included in Heritage Walks and is a valued for its part in the history of this area"</i> 	<i>Noted.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

COMMENTS:

The sequence of events leading to the subject application was initiated in 1999 when the current owners applied for demolition of the subject property. The application was originally recommended for approval by the Town's Officers; however, after consideration by the Council, following numerous submissions and a petition from residents, the place was

considered by the Council to have a high degree of local heritage value and was refused demolition.

In addition, the Council referred the place to the Heritage Council of WA (HCWA) for consideration of the place in terms of possible State significance. As a result of this referral, HCWA assessed the place and found it to have State significance and in December 2001 the place was included on the permanent Register of Heritage Places by HCWA.

Two redevelopment applications have subsequently been received for the subject property and associated land surrounding it, the most recent of which was conditionally approved by HCWA and involved the conservation of the subject dwelling with associated multiple-dwellings utilising density bonuses available to the applicant. This redevelopment has not commenced and has expired.

The owners have throughout this process expressed their concern about the ability of the subject dwelling to be effectively redeveloped and have again applied for demolition following discussions with Officers from HCWA and the commissioning of structural engineers to report on the condition of the dwelling.

In receiving this application for demolition, the Town's Officer's referred the application to HCWA under the requirements of the Heritage of Western Australia Act 1990 as the place is included on the State Register of Heritage Places. HCWA's advice in relation to this referral relating to the proposed demolition was detailed to the Town in its letter dated 8 April 2005, and which is shown as an attachment to this report. This letter stated that the Heritage Council considered the development proposal for demolition at its meeting on 8 April 2005 and resolved to advise the Town the following:

"The Heritage Council considers that there is no prudent alternative to the demolition of Crawshaw's House and the proposed demolition is supported subject to the following conditions:

- i. Interpretation of the history and significance of Crawshaw's House shall be incorporated into any future redevelopment of the site."*

The letter did not state the reasons for the Heritage Council's advice and made no comment on the listing status or the condition of the place. The Town's Officers were unable to obtain Minutes from the Heritage Council in relation to its decision on this matter. No further official information was provided by HCWA in regard to this matter.

The owners have consistently expressed a concern for the problems encountered in terms of redevelopment of the subject property, particular in relation to its condition. As a result of this, the applicant has submitted two reports from structural engineers, each of which is shown as an attachment to this report. The second is not considered to be a complete report but rather a brief commentary on previous information and was not assessed to the same detail as the first.

Given the complexity of this matter, and the absence of technical heritage experience demonstrated in the engineer's reports, the Town sought advice on the matter from an appropriately experienced person with particular focus on the understanding of condition. This advice is also shown as an attachment to the report.

When considering applications which propose the demolition of a place with cultural heritage significance, condition is considered in relation to identified significant fabric, which may or may not have an affect on the statement of significance and subsequent management decisions affecting the place as a whole. As such, this report is not intended to debate or question the

heritage assessment documentation which has been carried out in previous years by various consultants and organisations which has established that the place has both local and state cultural heritage significance.

Rather, the matter of demolition based on an argument of condition is required to consider the current degree of integrity and authenticity which may, or may not, have been impacted on as a result of changes in condition, to the point which rectification would require the removal of all or the majority of significant fabric (for example, those contributing factors for which the place was initially identified as being important).

These considerations do not need to be concerned with the material which is present and can be demolished or altered without having an impact on the significance of the place (such as rear skillions, non-original features, roof cladding and so on).

If structural failure is cited as a justification for the demolition of a place, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed to the point where it cannot be rectified without removal of the majority of its significant fabric and/or prohibitive costs. It should be noted that this statement applies to significant fabric only. Non-significant fabric forming part of the building is not considered to be justification for demolition of the entire building. Failed structural integrity of fabric not identified as being culturally significant is considered to be irrelevant in terms of the heritage considerations above, as this fabric can be approved for demolition and has no bearing on the sensitivities of the heritage place.

Therefore, in light of the above principles for proposals involving the demolition of a significant building, it is necessary to consider the following:

- (a) the significant fabric of the place based on the Heritage Assessment, Conservation Plan or other heritage management document;*
- (b) the current condition of the fabric in relation to the identified significant fabric; and*
- (c) the structural integrity of the building and/or the pragmatic costs associated with the rectification of fabric identified as being structural unsound and which is also identified as being significant fabric.*

Given the nature of the works required for the place, some associated and technical expertise to rectify and conserve the place is undeniable. However, when weighed against the significance of the place, and the possibilities available to conserve the place, demolition is not considered to be the only reasonable, feasible or desirable choice. The place is located in a desirable position in terms of spatial aspects, access, redevelopment potential, topography and setback, such that contextual restrictions that often are associated with inner-city heritage buildings are not present in this circumstance, allowing greater flexibility in terms of redevelopment options than might normally be present. These contextual aspects, along with the possibilities of rectifying those portions of the significance fabric that require work, as well as the high degree of local heritage significance that this place has, is considered sufficient to justify further efforts to conserve the place.

After considering all the documentation available in the context of heritage considerations alone, and with particular regard to the significant fabric, as well as consideration of context and comparable works, it is the recommendation of the Officers that the place should be conserved and that demolition should be refused.

Further, in order that public safety and the conservation of the place is addressed immediately, it is recommended that the Council require the owners to secure loose roof material and to advise the owners that a density bonus, other variations and assistance in relation to the property are available."

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

Ward:	South	Date:	3 October 2005
Precinct:	Hyde Park; P12	File Ref:	PRO0508; 5.2005.3190.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Calvin Koh Architects Pty Ltd on behalf of the owner K H H (Aust) Ventures Pty Ltd for proposed Three-Storey Mixed Use Development Comprising Offices and Six (6) Two-Storey Grouped Dwellings at No(s). 474 (Lot 100) William Street, corner Bulwer Street, Perth, and as shown on plans stamp-dated 28 September 2005, subject to:

- (i) the proposed vehicular entry gates adjacent to Bulwer Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the Development;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$10,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) subject to first obtaining the consent of the owners of Nos. 470-472 (Lot 9) William Street and No 155 (Lot 4) Bulwer Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 470-472 (Lot 9) William Street and the brick fence along the common boundary with No 155 (Lot 4) Bulwer Street in a good and clean condition;*

- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *brick wall fence to a height of 2.4 metres being built along the driveway to the eastern boundary of the development site;*
 - (b) *the proposed security gate along the Bulwer Street frontage being a minimum 50 percent visually permeable when viewed from the street;*
 - (c) *the height of the building being reduced to a maximum of 10 metres; and*
 - (d) *the corner component of the development incorporating design elements to define and accentuate the corner and create a landmark feature without increasing the height above 10 metres or plot ratio of the development.*

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

- (vii) *prior to the first occupation of the development, two (2) class- one or two bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

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

- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xi) *doors and windows and adjacent floor areas fronting William Street and Bulwer Street shall maintain an active and interactive relationship with these streets;*
- (xii) *prior to the first occupation of the development, twelve (12) car parking spaces provided for the residential component of the development, including two (2) visitors bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*

- (xiii) *the maximum gross floor area for the office use shall be limited to 350 square metres unless adequate car parking is provided for the changes in floor space area;*
- (xiv) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$14,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xv) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of William and Bulwer Streets;*
- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvii) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence;*
- (xviii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs; and*
- (xix) *prior to commencement of works onsite, a site assessment shall be undertaken to the satisfaction of the Town on advice from the Department of the Environment to determine whether acid sulphate soils or potential acid sulphate soils are present on the land and if present, the soil extent and severity. If the site is found to contain acid sulphate soils or potential acid sulphate soils, an acid sulphate soil management plan shall be submitted to and approved by the Town on advice from the Department of the Environment.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (ix) be deleted from the recommendation and a new clause (ix) be added as follows:

"(ix) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;"

Debate ensued.

AMENDMENT LOST (4-5)

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

MOTION CARRIED (9-0)

Landowner:	K H H (Aust) Ventures Pty Ltd
Applicant:	Calvin Koh Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban and abutting Other Regional Roads (ORRs), (William and Bulwer Streets). Town Planning Scheme No.1 (TPS1): Commercial and abutting ORRs.
Existing Land Use:	Vacant Lot
Use Class:	Office Building & Grouped Dwellings
Use Classification:	"P & AA"
Lot Area:	1022 square metres
Access to Right of Way	N/A

BACKGROUND:

7 December 2004: At its Ordinary Meeting, the Council conditionally approved a three-storey mixed use development comprising offices and six (6) two-storey grouped dwellings, at No(s). 474 (Lot(s) 100) William Street, corner Bulwer Street, Perth.

DETAILS:

The application involves the reconsideration of condition (ii) imposed by the Council at its Ordinary Meeting held on 7 December 2004 (Item 10.1.12), which is as follows:

" a detailed landscaping plan, including a list of plants and the provision of one tree per 4 car parking spaces in the car parking area, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);"

The applicant has advised the above condition cannot be complied with as carports have been approved on-site, and on the above basis the above condition should be deleted. The only other change indicated in the site plan is a corner truncation to the ground floor Unit 5 office, which has been incorporated to address visual truncation requirements.

ASSESSMENT:

Non-Compliant Requirements	
Matters	The "non-compliant" matters relating to the subject development was addressed in Item 10.1.12 to the Ordinary Meeting of Council held on 7 December 2004. The subject landscaping condition (ii) is addressed in the "Comments" section.
Consultation/Submissions	
Consultation	The proposal was previously advertised and one objection was received. The current application for reconsideration does not involve further variations. The application is being referred to Council for consideration and determination. On the above basis, the current application has not been advertised.
Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

COMMENTS:

The above landscaping condition (ii) approved by the Council on 7 December 2004 was inadvertently imposed, as carports have been approved on-site, which makes the condition redundant. The deletion of the landscaping requirement for the mixed use development is supported on the above basis.

10.1.4 No. 29 (Lot 68) Paddington Street, North Perth - Proposed Alterations and Additions to Existing Single House (Including Application for Retrospective Approval for Existing Deck)

Ward:	North	Date:	30 September 2005
Precinct:	North Perth; P8	File Ref:	PRO3295; 5.2005.3131.1
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A M Dickinson on behalf of the owner S H James & A M Dickinson for proposed Alterations and Additions to Existing Single House (Including Application for Retrospective Approval for Existing Deck), at No. 29 (Lot 68) Paddington Street, North Perth, and as shown on amended plans stamp-dated 28 September 2005, subject to:

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

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iv) *the subject approved additions shall not be used for additional accommodation, or a separate dwelling to the main dwelling; and is for the sole personal use of the inhabitants of the main dwelling only;*
- (v) *subject to first obtaining the consent of the owners of No.31 (Lot 30) Paddington Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing west (No.31 (Lot 30) Paddington Street) in a good and clean condition; and*
- (vi) *the proposed pool and spa do not form part of The Planning Approval and are subject to a separate Swimming Pool Licence being submitted to and approved by the Town.*
-

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That clause (ii) of the recommendation shall be amended to include the following:

“. . . OR prior to the issue of a Building License, revised plans shall be submitted and approved, demonstrating an increase in the height of a portion of the western boundary wall to a maximum height of 3.5 metres, with an average height of 3 metres above the natural ground level. The revised plans shall not result in any greater variation of the requirements of the Residential Design Codes and the Town's Policies;"

Debate ensued.

AMENDMENT LOST (4-5)

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

Debate ensued.

Cr Torre departed the chamber at 8.22pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (ii) of the recommendation be amended to include the following:

“ . . . OR prior to the issue of a Building License, revised plans shall be submitted and approved by the Town and shall be to the satisfaction of the western neighbour, demonstrating an increase in the height of a portion of the western boundary wall to a maximum height of 3.5 metres, with an average height of 3 metres above the natural ground level. The revised plans shall not result in any greater variation of the requirements of the Residential Design Codes and the Town’s Policies;”

AMENDMENT CARRIED (6-2)

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

(Cr Torre was absent from the chamber and did not vote.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was absent from the chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A M Dickinson on behalf of the owner S H James & A M Dickinson for proposed Alterations and Additions to Existing Single House (Including Application for Retrospective Approval for Existing Deck), at No. 29 (Lot 68) Paddington Street, North Perth, and as shown on amended plans stamp-dated 28 September 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the window to guest bedroom on the southern elevation, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; OR prior to the issue of a Building License, revised plans shall be submitted and approved by the Town and shall be to the satisfaction*

of the western neighbour, demonstrating an increase in the height of a portion of the western boundary wall to a maximum height of 3.5 metres, with an average height of 3 metres above the natural ground level. The revised plans shall not result in any greater variation of the requirements of the Residential Design Codes and the Town's Policies;

- (iii) *any new street/front wall, fence and gate between the Paddington Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iv) *the subject approved additions shall not be used for additional accommodation, or a separate dwelling to the main dwelling; and is for the sole personal use of the inhabitants of the main dwelling only;*
- (v) *subject to first obtaining the consent of the owners of No.31 (Lot 30) Paddington Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing west (No.31 (Lot 30) Paddington Street) in a good and clean condition; and*
- (vi) *the proposed pool and spa do not form part of The Planning Approval and are subject to a separate Swimming Pool Licence being submitted to and approved by the Town.*

Landowner:	S H James & A M Dickinson
Applicant:	A M Dickinson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	556 square metres
Access to Right of Way	N/A

BACKGROUND:

The owners purchased the property in October 2004. The existing deck was already constructed at this time. There have been no complaints from adjoining property owners in relation to the deck.

DETAILS:

The proposal involves the construction of a new addition, minor alterations to the existing house and includes consideration of an existing deck.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Existing Deck/Balcony Privacy - Cone of Vision Encroachment	Deck/Balcony areas above 500 millimetres from the natural ground level are to be setback, 7.5 metres from the boundary, in direct line of vision, or suitably screened, as per the Residential Design Codes	Existing Deck/Balcony is setback 3.2 metres to the west boundary and 3.4 metres to the east boundary. The deck has an existing screen on the west side, however this is not a permanent screen.	Supported - existing structure and no objections were received from adjoining property owners.
Guest Bedroom Window Facing South	Bedrooms are to have a visual privacy setback of 4.5 metres.	2.5 metres to western boundary.	Not supported - a screening condition is recommended.
Plot Ratio	N/A	N/A	...
Consultation Submissions			
Support	One submission of support.		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal complies with the requirements of the Residential Design Codes apart from the privacy setbacks of the existing deck/balcony and the guest bedroom window on the southern elevation. A condition for privacy setbacks is recommended for the guest bedroom window.

The proposal was formally advertised to adjoining property owners and no objections were received. Written consent was submitted from the western neighbour at the same time as the development application.

The development application seeks retrospective approval for the existing deck/balcony and, therefore, is submitted to the Council for consideration and determination.

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

10.1.7 No.15 (Lot 1 D/P: 90818) Scarborough Beach Road, Dual Frontage with Howlett Street, North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Funeral Parlour

Ward:	North	Date:	3 October 2005
Precinct:	Charles Centre; P7	File Ref:	PRO0153; 5.2005.3132.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Architetti on behalf of the owner Arthur J Purslowe & Co P/L for proposed Partial Demolition of and Alterations and Additions to Existing Funeral Parlour, at No.15 (Lot 1 D/P: 90818) Scarborough Beach Road, dual frontage with Howlett Street, North Perth, and as shown on plans stamp-dated 23 August 2005, subject to:

- (i) a detailed landscaping plan, including a list of plants, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ii) any new street/front wall, fence and gate between the Scarborough Beach Road and Howlett Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) the solid portion adjacent to the Howlett 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;

- (iii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved;*
- (iv) *detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *the maximum gross floor area for the chapel use shall be limited to 98 square metres unless adequate car parking is provided for the changes in floor space area; and*
- (vi) *subject to first obtaining the consent of the owners of No.16 and 18 Howlett 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.16 and 18 Howlett Street in a good and clean condition.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That;

1. *clause (ii) of the recommendation be amended as follows:*

“(ii) any new street/front wall, fence and gate between the Scarborough Beach Road ~~and Howlett Street~~ boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:

- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a*

driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and

~~(f) the solid portion adjacent to the Howlett 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;~~

2. *a new clause (iii) be added to the recommendation as follows and clauses (iii) through to (vi) be renumbered accordingly:*

“(iii) any new street/front wall, fence and gate between the Howlett Street boundary and the main building, shall comply with the following:

(a) 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

(b) the solid portion adjacent to the Howlett 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;”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was absent from the chamber and did not vote.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was absent from the chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.7

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Architetti on behalf of the owner Arthur J Purslowe & Co P/L for proposed Partial Demolition of and Alterations and Additions to Existing Funeral Parlour, at No.15 (Lot 1 D/P: 90818) Scarborough Beach Road, dual frontage with Howlett Street, North Perth, and as shown on plans stamp-dated 23 August 2005, subject to:

- (i) a detailed landscaping plan, including a list of plants, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ii) any new street/front wall, fence and gate between the Scarborough Beach Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) any new street/front wall, fence and gate between the Howlett Street boundary and the main building, shall comply with the following:*
 - (a) 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*
 - (b) the solid portion adjacent to the Howlett 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;

- (iv) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved;*
- (v) *detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *the maximum gross floor area for the chapel use shall be limited to 98 square metres unless adequate car parking is provided for the changes in floor space area; and*
- (vii) *subject to first obtaining the consent of the owners of No.16 and 18 Howlett 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.16 and 18 Howlett Street in a good and clean condition.*

Landowner:	Arthur J Purslowe & Co P/L
Applicant:	Architetti
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Funeral Parlour
Use Class:	Funeral Parlour
Use Classification:	"AA"
Lot Area:	2738 square metres
Access to Right of Way	N/A

BACKGROUND:

- 11 December 1995 The Council at its Ordinary Meeting resolved to conditionally approve an application for additions and alterations to existing funeral home at the subject property.
- 24 August 2004 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed partial demolition of and alterations and two-storey additions to existing funeral parlour, at the subject property.
- 26 April 2005 The Council at its Ordinary Meeting resolved to conditionally approve Building Licence plan amendments to the above Planning Approval.

DETAILS:

The proposal involves partial demolition of and alterations and additions to existing funeral parlour at the subject property. The main differences between the subject plans and the plans previously considered by the Council at its Ordinary Meeting (on 24 April 2004 and 26 April 2005) is that there is a proposed extension to the garage at the front of the existing building, staff room and loading area to the rear property and the deletion of the upper floor. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Landscaping	Ten percent of the site area for non-residential development adjacent to residential areas is to be landscaped, where possible this is to include front setback areas.	Approximately 5 per cent.	Supported- previous approval (,which is still valid) for subject site supported similar variation, existing building on the site which occupies a large percentage of the lot affects site's ability to comply with this requirement and applicants have introduced new landscaping areas.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number) -Funeral Parlour (Existing) - requires 6 bays -Place of Worship - 98 square metres - requires 22 bays			28 car bays
Apply the adjustment factors. ▪ 0.95 (within 400 metres of one or more existing public car parking places with in excess of a total of 25 car parking spaces) ▪ 0.85 (within 400 metres of a bus stop)			(0.8075) 22.61car bays
Minus the car parking provided on-site			24 car bays
Plus the most recently approved on-site car parking surplus.			0 car bays
Resultant surplus			1.39 car bays

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

COMMENTS:

In light of car parking being adequately provided for, no objections being received and the variation to landscaping being addressed as above, the proposal is considered acceptable and is recommended for approval subject standard conditions.

10.1.9 No(s). 167-169 (Lot 105 D/P: 27170) Fitzgerald Street, Corner Carr Street, West Perth - Proposed Change of Use from Shop to Office and Associated Alterations

Ward:	South	Date:	3 October 2005
Precinct:	Hyde Park; P12	File Ref:	PRO0849; 5.2005.3044.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Hondros on behalf of the owner G P Skarlatos for proposed Change of Use from Shop to Office and Associated Alterations, at No(s). 167-169 (Lot 105 D/P: 27170) Fitzgerald Street, corner Carr Street, West Perth, and as shown on amended plans stamp-dated 9 August 2005, subject to:

- (i) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) doors, windows and adjacent floor areas fronting Fitzgerald Street and Carr Street shall maintain an active and interactive relationship with these streets;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iv) the maximum gross floor area of the office shall be limited to 109 square metres. 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; and*
- (v) any new street/front wall, fence and gate between the Fitzgerald Street and Carr Street boundaries and the main building, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Cr Torre returned to the chamber at 8.27pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

"(vi) the existing window in office 2 fronting Fitzgerald Street shall have clear glazing and not be replaced with glass blocks."

AMENDMENT LOST (4-5)

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

MOTION CARRIED (7-2)

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

Landowner:	G P Skarlatos
Applicant:	J Hondros
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Shop
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	253 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a change of use from shop to office. The office gross floor area is proposed to be 109 square metres. The applicant envisages the office will be used as an accountant, financial planner, solicitor or similar professional consultant.

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	Nil		Nil
Objection	Nil		Nil
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) -Proposed Office: 1 car bay per 50 square metres of gross floor area (proposed 109 square metres).			2 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of one or more existing public car parking place(s) with in excess of 25 car parking spaces) 			(0.8075) 1.615 car bays
Minus car parking on-site			2 car bays
Resultant surplus			0.385 car bay

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

COMMENTS:

The proposal is supported as it is not considered to intensify the current use of the site, will not unduly impact on the amenity of the adjacent or surrounding properties, and is compliant with the Town's Policy relating to Parking and Access.

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

10.1.10 No. 18 (Lot 24 D/P: 4856) Bourke Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses

Ward:	North	Date:	4 October 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO3266; 5.2005.3069.1
Attachments:	001		
Reporting Officer(s):	S Klarich; T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by W Zupanov on behalf of the owner Zup's Construction Pty Ltd & Ivory Investments Pty Ltd for proposed Demolition of Existing Single House and Construction of Two (2) Two-storey Single Houses, at No 18 (Lot 24 D/P: 4856) Bourke Street, North Perth, and as shown on plans stamp-dated 22 July 2005, subject to:

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

- (a) *the garage to Unit/Residence 1 being setback a minimum of 6.0 metres from the primary street boundary;*
- (b) *the garage boundary walls to both Units/Residences 1 and 2 being reduced in height to a maximum of 3.5 metres, with an average of 3 metres; and*
- (c) *the pedestrian access way/service corridor/path from Bourke Street to the rear Unit/Residence 2 site being a minimum width of 1.5 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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Bourke Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Lake

That clause (iii)(a) of the recommendation be amended as follows:

“(iii) (a) the garage and balcony above, to Unit/Residence 1 being setback a minimum of 6.0 metres from the primary street boundary;”

Debate ensued.

AMENDMENT CARRIED (8-1)

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

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by W Zupanov on behalf of the owner Zup's Construction Pty Ltd & Ivory Investments Pty Ltd for proposed Demolition of Existing Single House and Construction of Two (2) Two-storey Single Houses, at No 18 (Lot 24 D/P: 4856) Bourke Street, North Perth, and as shown on plans stamp-dated 22 July 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Bourke Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the garage and balcony above, to Unit/Residence 1 being setback a minimum of 6.0 metres from the primary street boundary;*
 - (b) the garage boundary walls to both Units/Residences 1 and 2 being reduced in height to a maximum of 3.5 metres, with an average of 3 metres; and*
 - (c) the pedestrian access way/service corridor/path from Bourke Street to the rear Unit/Residence 2 site being a minimum width of 1.5 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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Bourke Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*

AMENDED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Setbacks: <u>Unit/Residence</u> <u>1</u> <u>South/street</u> <u>elevation</u> <u>(Balcony)</u>	<u>6 metres</u>	<u>4.2 metres</u>	<u>Not supported - balcony to be in line with garage below which is required to be 6 metres - as conditioned in the Officer Recommendation.</u>

Landowner:	Zup's Construction Pty Ltd & Ivory Investments Pty Ltd
Applicant:	W Zupanov
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	610 square metres
Access to Right of Way	North side, 4-6 metres wide, unsealed

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of two (2) two-storey single houses. Vehicle and pedestrian access to the front house is proposed to be off Bourke Street, with pedestrian access to the rear house being off Bourke Street via a 1.3 metres wide pedestrian access way and vehicle access being obtained from the right-of-way to the rear.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 40	2 dwellings R 40	Noted
Plot Ratio	N/A	N/A	N/A
Setbacks: Unit/Residence 1 South/street elevation (Garage)	6 metres or behind the main building line.	4.4 metres and in front of the main building line.	Not supported - 6 metres to be provided, as conditioned in Officer Recommendation.
West elevation - ground floor	1 metre	- nil to pedestrian access way. - 1.3 metres to western boundary.	Supported - no undue impact on adjoining property.
- first floor	1.6 metres	- nil - 0.7 metre to pedestrian access way. - 1.3 - 2 metres to boundary.	Supported - minor variation and no undue impact on adjoining property.
East elevation - ground floor	1.5 metres	Nil - 4.7 metres	Supported - compliant to building on boundary provision in the R Codes and no undue impact on adjoining property.
Unit/Residence 2 West elevation - ground floor	1.5 metres	Nil - 1.2 metres	Supported - compliant to building on boundary provision in the R Codes and no undue impact on adjoining property.
- first floor	1.9 metres	1.2 - 2.15 metres	Supported - minor variation and no undue impact on adjoining property.
North elevation - first floor (right-of-way)	2.5 metres	1.4 - 4.9 metres	Supported - no undue impact on adjoining properties and public reserve located on other side of right-of-way.

East elevation - ground floor	1.5 metres	1.2 - 2.3 metres	Supported - minor variation and considered to have no undue impact on adjoining property.
Building Height Unit 1 East elevation - building on boundary	Maximum wall height of 3.5 metres with an average 3.0 metres.	3.7 metres	Not supported - conditioned to comply in Officer Recommendation.
Unit 2 West elevation - building on boundary	Maximum wall height of 3.5 metres with an average 3.0 metres.	3.7 metres	Not supported - conditioned to comply in Officer Recommendation.
Pedestrian Access Way	1.5 metres minimum width.	1.3 metres	Not supported - 1.5 metres required as conditioned in Officer Recommendation.
Consultation Submissions			
Support	Nil		Noted
Objection (2)	<ul style="list-style-type: none"> • The garage parapet wall being setback only 4.4 metres from the front impacts on the private outdoor living area which is located to the front of the adjoining home. • Height of the boundary wall being 3.7 metres. • Bedroom 1 window to Unit 1 overlooking onto adjoining eastern property. • Concerns regarding the potential visual access into adjoining eastern property from the balcony to the rear of bedroom 1 to Unit 2. 		<p>Supported - the garage is to be setback 6.0 metres from the primary street, as conditioned in the Officer Recommendation.</p> <p>Supported - maximum height of a boundary wall permitted in the R Codes is 3.5 metres with an average of 3 metres, as conditioned in the Officer Recommendation.</p> <p>Not supported - the required cone of vision setback from a bedroom is 4.5 metres, the applicant provides 4.7 metres setback to the eastern boundary.</p> <p>Not supported - the eastern side of the balcony is screened to full height and has no potential for overlooking onto any adjoining property.</p>

	<ul style="list-style-type: none"> • The eastern window of bedroom 2 to Unit 2 overlooks onto the adjoining eastern property and entertaining area. • ground floor setback to the eastern boundary of Unit 2, being from 1.2 metres will visually intrude on adjoining neighbour. 	<p>Not supported - the required cone of vision setback from a bedroom is 4.5 metres, the applicant provides 8 metres setback to the eastern boundary.</p> <p>Not supported - the proposed eastern wall to Unit 2 is angled and the setback varies from 1.2 - 2.3 metres to the ground floor with the first floor setback of 1.2 metres compliant with the R Codes - the ground floor variation is minimal and has no undue impact on the adjoining property.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

COMMENTS:

Demolition

In light of preliminary investigations, a full heritage assessment was not considered appropriate in this instance.

The subject dwelling is believed to have been constructed c1928 and represents part of the building stock during the Inter-war Period in North Perth. The place was one of three weatherboard dwellings that were constructed along Bourke Street, east of Barnet Street during the Inter-War period, which have since been demolished. The representativeness of this single storey weatherboard and iron dwelling is reduced as a result of the alterations to the original fabric, with the replacement of much of the weatherboard cladding with asbestos sheeting.

The place is considered to be of little aesthetic, historic, scientific and social value and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

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

Advertising Consultation

The proposal was advertised for 14 days in which time two (2) written submissions were received in objection to the development. These are addressed in the Assessment Table.

Summary

The variations sought by the applicant (except those relating to wall height on boundary and front setback to garage which are addressed in the conditions of the Officer Recommendation) are supportable and do not have an undue impact on the surrounding area.

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

10.1.16 No. 49 (Lot 23 D/P: 3784(2) Redfern Street, North Perth - Proposed Street/Front Fence and Carport Additions to Existing Single House

Ward:	North	Date:	3 October 2005
Precinct:	North Perth; P8	File Ref:	PRO3289; 5.2005.3109.1
Attachments:	001		
Reporting Officer(s):	R Beatty		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Carport Constructions on behalf of the owner D & C Panzich for proposed Street/Front Fence and Carport Additions to Existing Single House, at No. 49 (Lot 23 D/P: 3784(2)) Redfern Street, North Perth, and as shown on plans stamp-dated 15 August 2005, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the Town's Policies relating to Street Setbacks and Vehicular Access.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

LOST (3-6)

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

Reasons:

1. Not in keeping with recent approvals
2. Minimal impact to the existing streetscape

Moved Cr Farrell, Seconded Cr Doran-Wu

That an alternative recommendation for approval be adopted with the appropriate conditions.

Debate ensued.

MOTION CARRIED (6-3)

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

ALTERNATIVE 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 Carport Constructions for Proposed Street/Front Fence and Carport Additions to Existing Single House at No. 49 (Lot 23 D/P 3784 (2)) Redfern Street, North Perth, and as shown on plans stamp-dated 15 August 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) the finished floor level of the carport shall not be greater than 0.5 metre above the natural ground level; and*
- (iii) the carport shall be one hundred (100) per cent open on all sides at all times (open type gates/panels are permitted).*

Landowner:	D & C Panzich
Applicant:	Carport Constructions
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	481 square metres
Access to Right of Way	Southern side, 5.0 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of street/front fence and a free standing zincalume roof carport within the front setback area to an existing single house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A

Carport Location	Vehicular access to car parking, carports and garages is to be accessible from existing rights-of-way (ROW), where legally available.	Car parking is proposed from Redfern Street (primary street) only.	Not supported – Proposal departs from the intent of subject Policy requirement which is to preserve the general streetscape of Redfern Street, while promoting casual surveillance of the right of way.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes)		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

COMMENTS:

The carport has been assessed against the resolution of the Council at its Ordinary Meeting held on 27 April 2004 relating to the Town's Policies - Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings via a Right of Way. The Council Minutes in relation to this matter states the following:

"...the Council APPROVES the following variations to the Town's Policies relating to Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings Via a Right-Of-Way as an interim practice, until finalisation of the review of these Policies:

Vehicular access to car parking, carports and garages to a dwelling that directly fronts onto a street can be from that street, regardless whether a right of way is available to the property, where all of the following criteria are met to the satisfaction of the Town:

- (a) the right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year, whichever is the more appropriate, in accordance with the Town's right of way upgrade program;*
- (b) any carport with the front setback area shall be one hundred (100) per cent open on all sides at all times (open type gates/panels are permitted), except where it may abut the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like);*
- (c) the total width of any carport within the front setback area does not exceed 50 per cent of the lot frontage at the building line; and*
- (d) garages setback a minimum of 6.0 metres from the frontage street, or at least 500 millimetres behind the line of the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like)"*

The proposed carport does not satisfy point (a) of the Council's resolution.

In view of the above, it is recommended that the proposal be refused.

Crs Chester and Ker declared a financial interest in this Item. Both have Minister for Local Government approval to participate and vote on these matters.

Crs Lake and Maier declared a financial interest in this Item. They departed the chamber at 8.39pm and did not speak or vote on the matter.

**10.1.18 Progress Report - Local Government Heritage Working Party - WA
Local Government Association Circulation**

Ward:	Both Wards	Date:	4 October 2005
Precinct:	All Precincts	File Ref:	PLA0088
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ADVISES the Western Australian Local Government Association that it generally SUPPORTS the comments contained in the Western Australian Local Government Association's Feedback Survey dated 8 September 2005 as shown attached to this report and the comments contained in this report.

COUNCIL DECISION ITEM 10.1.18

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (7-0)

(Crs Lake and Maier were absent from the chamber and did not vote.)

PURPOSE OF REPORT:

This report outlines the current status of the Local Government Heritage Working Party (LGHWP) and provides a summary of recommendations of the LGHWP, about which the Western Australian Local Government Association (WALGA) is seeking comments.

BACKGROUND:

WALGA is seeking feedback from all Councils on the recommendations developed by the LGHWP. The recommendations are made in the context of the LGHWP Findings Summary and Common Standards, and previous Discussion Papers.

DETAILS:

The WALGA Infopage, WALGA Feedback Survey, LGHWP Findings Summary and LGHWP Findings Common Standards and Discussion Papers have been circulated to Elected Members. The Infopage, Summary and LGHWP Feedback Survey are shown as attachments to this report.

The LGHWP was convened in August 2002 as a means to discuss and review aspects of heritage management in WA. A significant portion of these discussions have related to Municipal Heritage Inventories. The LGHWP comprises representatives from the Heritage Council of WA (HCWA), Department of Infrastructure (DPI), WALGA, the Real Estate Institute of WA (REIWA) and representatives from Local Governments, including the Town of Vincent.

The Town of Vincent was originally not part of the 70 per cent of surveyed local governments who supported the preferred moderate option of reform put forward in the early stages of the LGHWP. The Council at its Ordinary Meeting held on 25 March 2003 resolved to support an alternative option of reform which was based on a stronger planning relationship between the Municipal Heritage Inventory and the Model Scheme Text. However, the LGHWP resolved to accept the option that proposes minor amendments to the Heritage Bill 2003 and to give increased heritage-related guidance to Local Governments within the existing planning system. The Executive Manager, Environmental and Development Services is the Town of Vincent's representative on the LGHWP. It is in this context that the recommendations of the LGHWP are circulated by WALGA for the Town's consideration.

CONSULTATION/ADVERTISING:

The Recommendations and the Feedback survey have been circulated to all Councils by WALGA.

The Town has until 24 October 2005 to provide its feedback on the recommendations to WALGA.

LEGAL/POLICY:

Relevant legal considerations in relation to this matter include the Heritage of Western Australian Act (1990) and Heritage Bill (2003). Relevant legislation includes the Town Planning Scheme No.1 and associated Policies and the principles of the Australian Burra Charter for conservation of significant places.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area 1.2 *"Recognise the value of heritage in providing a sense of place and identity"*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's response to the WALGA Feedback Survey as shown in the attachment to this report is generally supported. However, a number of the recommendations supported by the Town are subject to comment. These include the following:

Recommendation 7 IV - An approach made to Lotterywest to request incorporation of their heritage funding into a single grants programme.

This is not supported by the Town's Officers. The current Lotterywest heritage grants program is a success and provides a variety of options to community groups and property owners and maintains a high level of community acceptance. It is the Officers' opinion that this program should remain separate to other government funding programmes.

Recommendation 13 - That the Heritage Council and the Association investigate a scheme of discounted heritage supplies and products of behalf of owners of heritage places.

The Town's Officers have begun research for a similar scheme for the Town of Vincent. Preliminary considerations indicate that an important factor relates to the need for a relationship between heritage agencies and primary producers, as well as suppliers. An investigation into this scheme should be orientated towards the long-term goals of securing future materials at a level of supply that matches demand, and should not be wholly focussed on shop-front suppliers.

Recommendation 26 - That other Local Governments consider participating in the project [Research on Property Value Impacts] by contributing funds to the application so the API's research within their own districts.

This action should only occur once the findings of the study have been reviewed (Recommendation 24) and comments from other non-participating Local Governments and businesses are received (Recommendation 25).

It is recommended that the Council receives the above comments and forwards them to WALGA.

Crs Lake and Maier returned to the chamber at 8.40pm.

Cr Messina declared a proximity interest in this Item. He departed the chamber at 8.40pm and did not speak or vote on the matter.

10.2.1 St Rocco Association – Annual Street Procession

Ward:	Mt Hawthorn	Date:	4 October 2005
Precinct:	Leederville P3	File Ref:	CVC0006
Attachments:	001;		
Reporting Officer(s):	J Greenwood		
Checked/Endorsed by:	C Wilson	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *SUPPORTS the annual St Rocco Association's street procession to be held on Sunday, 13 November 2005, as shown on attached Plan A4-00-106; and*
- (ii) *REQUESTS the organisers of the procession to ensure that all emergency services, including Main Roads WA Operations Centre, are notified and all relevant approvals be obtained.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina was absent from the chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to request approval for the annual street procession to take place in honour of St Rocco.

BACKGROUND:

The St Rocco Association Incorporated is seeking Council's approval to conduct its annual street procession on Sunday, 13 November 2005 in honour of St Rocco.

DETAILS:

The procession will commence at 3.00 pm on Sunday, 13 November 2005 from St Mary's Catholic Church in Franklin Street, Leederville. It will travel, under Police escort, south via Shakespeare Street turning left into Marian Street. From Marian Street the procession will turn left into Loftus Street north bound, where it will be confined to a single lane so as not to impede normal traffic. From Loftus Street the pageant turns left into Anzac Road west bound, returning to St Mary's via Shakespeare Street (as per attached Plan No. A4-00-106).

The procession will be under Police escort and no actual road closures will be involved. As the parade is scheduled for a Sunday and does not conflict with any other major event, it is unlikely to have a significant impact upon traffic.

CONSULTATION/ADVERTISING:

N/A.

LEGAL POLICY:

N/A.

STRATEGIC IMPLICATIONS:

In line with Key Result Area Two of Strategic Plan 2005-2010 - 2.1 Celebrate and acknowledge the Town's cultural diversity. (a) *“Develop and organise community events that engage the community and celebrate the cultural diversity of the Town”*.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

The annual St Rocco Procession is a colourful religious celebration that draws many people of diverse backgrounds to the Town. As in the past, conditional approval will be granted on behalf of the Town by the Executive Manager Technical Services. These conditions pertain to traffic management, police approval and attendance to ensure both a safe and successful event for both participants and motorists alike.

10.2.3 Further Report - Proposed Black Spot Improvement Project - Intersection of Alma Road and Fitzgerald Street, North Perth

Ward:	South	Date:	3 October 2005
Precinct:	North Perth Centre, P9	File Ref:	TES0165, TES0173 & TES0130
Attachments:	001;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposed Black Spot Improvement Project intersection of Alma Road and Fitzgerald Street;*
- (ii) *APPROVES the installation of the "half seagull" island, as shown on attached plan 1126-CP; and*
- (iii) *CONSIDERS the retention of the existing on-road parking along the western side of Fitzgerald Street between Alma Road and Forrest Street and View Street and Angove Street.*

Cr Messina returned to the chamber at 8.41pm. He declared a proximity interest in this Item and was granted approval to participate in debate, but not to vote.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the chamber at 8.43pm.

Debate ensued.

Cr Doran-Wu returned to the chamber at 8.44pm.

Moved Cr Ker, Seconded Cr Messina

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

“(iv) REFERS the facilitation of bicycle movement on the local bicycle route to the LATM Advisory Group.”

Cr Messina departed the chamber at 8.44pm for the vote.

AMENDMENT CARRIED (8-0)

(Cr Messina was absent from the chamber and did not vote.)

Cr Messina returned to the chamber at 8.45pm.

Debate ensued.

Cr Messina departed the chamber at 8.47pm for the vote.

MOTION AS AMENDED CARRIED (8-0)

(Cr Messina was absent from the chamber and did not vote.)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECEIVES the further report on the proposed Black Spot Improvement Project intersection of Alma Road and Fitzgerald Street;*
 - (ii) *APPROVES the installation of the "half seagull" island, as shown on attached plan 1126-CP;*
 - (iii) *CONSIDERS the retention of the existing on-road parking along the western side of Fitzgerald Street between Alma Road and Forrest Street and View Street and Angove Street; and*
 - (iv) *REFERS the facilitation of bicycle movement on the local bicycle route to the LATM Advisory Group.*
-

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the trial "half seagull" island traffic management device at the intersection of Alma Road and Fitzgerald Street, North Perth and approve of a permanent "half seagull" island.

BACKGROUND:

At its ordinary Meeting held on 23 November 2004, the Council considered a report on the Proposed Streetscape Improvements, Fitzgerald Street Business Precinct, North Perth. Whilst a majority of the report dealt with the public consultation, financial considerations and design elements of the proposed upgrade project, Council was also asked to consider the trial installation of a "half seagull" island in Alma Road to prevent the right turn movement into Fitzgerald Street south bound.

The intersection is located on a curve in Fitzgerald Street, just below a slight crest, restricting sight distance of approaching north bound vehicles.

Various safety improvements were considered, including extending the existing median island in Fitzgerald Street across the intersection, effectively making the intersection left in and left out only, however, it was considered there would be an adverse impact upon the surrounding local road network and adjacent shopping centre, should this be implemented. The "half seagull" island proposal, preventing the right out of Alma Road, effectively eliminates the major accident type while maintaining a majority of the traffic movements through the intersection.

Further, as the Fitzgerald Street streetscape improvement works had commenced, there was a good opportunity to trial the proposed "half seagull" island and assess its impact upon the surrounding streets.

Having considered the report the Council made (in part), the following decision:

"That the Council;

- (vi) CONDUCTS a trial "half closure" of Alma Road at the intersection of Fitzgerald Street using water filled barriers or similar for a three (3) month period between February and April 2005, assesses traffic in Alma Road, Forrest Street, View Street and Glebe Street before and during the trial, and receives a report at the conclusion of the trial period;*
- (vii) REVIEWS the parking and traffic on Fitzgerald Street between Raglan Road and Angove Street including access to and from side streets during the trial outlined in clause (vi) above and further considers this matter at the conclusion of the trial period;"*

DETAILS:

The intersection of Alma Road and Fitzgerald Street has previously been identified as a Black Spot and as such qualifies for State Government funding. A majority of the 16 recorded accidents between 1999 and 2003 (inclusive) were right angled through and rear end.

Alma Road, east of Fitzgerald Street, had previously been made into a cul-de-sac by the former City of Perth, for similar reasons.

While the extension of the existing median island in Fitzgerald Street, across Alma Road, or a "full seagull" island, making the intersection left in and left out only, was examined, it was considered that the impact upon the surrounding local road network and access to the adjacent shopping centre would be too severe. Further, a majority of the accidents could be eliminated by preventing the right turn movement out of Alma Road.

However it was also recognised that the "half seagull" option still had the potential to impact upon surrounding streets, particularly View, Forrest and Wasley Streets. It was suggested that if vehicles were prevented from turning right out of Alma Road, they would either turn right from View Street (to the north of Alma Road) or turn left into Fitzgerald Street and then right into Forrest or Wasley Streets.

Traffic Data

The trial "half seagull" island was installed in late January 2005, prior to the commencement of the new (2005) school year.

The 'before' data was collected in December 2004, prior to the end of the preceding school year, while the 'after' data was collected in May 2005.

The following tables provide a before and after comparison of traffic volumes for the surrounding streets.

Road	Section	Without "Half Seagull" Island		With "Half Seagull" Island		Vol % Change
		Dec 2004 Vol (vpd)	85% Speed (kph)	May 2005 Vol (vpd)	85% Speed (kph)	
Alma	Fitzgerald St to Glebe St	1669	40.0	1790	40.7	+7.2
Alma	Glebe St to Leake St	1240	47.0	1303	47.9	+5.1
Glebe	Alma Rd to View St	750	45.0	779	45.0	+3.9
View	Fitzgerald St to Glebe St	3057	39.0	2981	39.0	-2.5
Leake	Vincent St to Chelmsford	977	47.0	1019	46.0	+4.3
Forrest	Fitzgerald to Norfolk St	1926	57.0	1723	55.0	-11.8
Wasley	Fitzgerald to Norfolk St	883	38.0	838	38	-5.4

Conclusion

The data suggests that there has been a subtle change in traffic movement in the vicinity of the North Perth Plaza Shopping centre, but not to the detriment of either Forrest or Wasley Streets. In fact the data indicates that there has been a reduction in traffic on both these streets, -11.8% and -5.4% respectively. This may be in part attributed to the recent changes in Forrest Street (William Street to Fitzgerald Street) and the deterrent effect of the existing traffic calming measures (speed humps) in Wasley Street.

In respect of Alma Road and surrounding streets to the west of Fitzgerald Street there has been a slight overall increase in, and general redistribution of, traffic. This suggests that drivers who in the past may have turned right out of Alma Road into Fitzgerald Street south now tend to use alternate routes to and from the shopping centre. As a consequence, there has been a marginal increase in traffic using Alma Road (west of Glebe Street), Leake Street and Glebe Street. However all three (3) are coming off a reasonably low base and as the increase appears to be spread evenly across these streets, it is not considered a problem.

Surprisingly the volume of traffic using View Street has also dropped suggesting the drivers do not consider this a viable alternative.

In regard to other adjoining streets such as Raglan Road, Grosvenor Road and Chelmsford Road to the south of Alma Road, and Burt and Marmion Streets to the north, as would be expected, measurements indicated no significant changes (this data is not included in the report).

Review of parking in Fitzgerald Street.

The introduction of parking along the western side of Fitzgerald Street, which was endorsed by Council at its Ordinary meeting of 6 November 2001, and installed soon after, is in two (2) sections, between Alma Road and Forrest Street and between View Street and Angove Street.

The impact of the parking on the traffic using Fitzgerald Street (north bound) is hard to quantify but was the subject of regular complaints. However, a majority of these complaints were from motorists who reside outside the Town and use Fitzgerald Street to commute to and from the Perth central business district.

The parking is banned in the evening peak period, freeing up the kerbside lane to operate as a Clearway between 4.15pm and 6.00pm.

As would be expected, the parking is mostly used during normal business hours, however, it is common for the area to be completely clear of parked vehicles at night or on Sundays, outside of normal business hours.

During normal business hours the kerbside parking can have an impact on the north bound traffic flow when a vehicle is turning right into either Forrest or Wasley Streets, effectively blocking the through traffic. However whether this is considered to be a problem or merely an inconvenience is hard to measure. Certainly there are times when a vehicle turning right (into either Forrest or Wasley Streets) causes a queue of traffic, but it quickly clears.

There have also been suggestions that the Clearway should start earlier at 3.30pm as this is when the north bound traffic starts to increase in volume. However, this is not consistent with other clearways within the Town and could create confusion.

Further there is an argument that the kerbside parking actually forces the traffic to slow down through the precinct as it is forced to merge into a single lane and subject frequent stopping, either for the pedestrian crossing signals opposite the North Perth Plaza or for vehicles turning right. The on-road parking is also consistent with the rest of Fitzgerald Street where kerbside parking is permitted, outside Clearway hours, however, on Fitzgerald Street, to the north of Angove Street, the bulk of the residents prefer not to park on the road and as a result many through motorists have come to expect two unimpeded traffic lanes at all times.

CONSULTATION/ADVERTISING:

Given that a majority of respondents to the Town's recent public consultations for proposed works and developments in the precinct focused other issues, and that there have been no adverse comments or complaints about the right turn ban to date, it is suggested that a notification lodged in the local newspaper would be sufficient.

LEGAL/POLICY:

Main Roads WA will be requested to approve the signage for the proposal.

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:

<u>Project Description</u>	<u>Funds Listed 2005/2006</u>
Black Spot Improvement - Fitzgerald Street and Alma Road Seagull Island	\$15,800

COMMENTS:

Anecdotally the trial installation of the "half seagull" island at the intersection of Alma Road and Fitzgerald Street has been successful in reducing traffic accidents at this location. For the period from the beginning of February 2005 to the 30 September 2005 (8 months) there has been one (1) reported accident. However, as the accident data is yet to be audited, Main Roads WA cannot release any information on the accident type.

In respect of the redistribution of traffic as a result of the changes there has been no measured adverse impact upon either Forrest or Wasley Streets, as had been suggested. In fact there has been a marked decrease in traffic using Forrest Street and moderate decrease in Wasley Street.

For the surrounding streets to the west of Fitzgerald Street there has been a moderate increase but that it has been evenly spread across the local network and as all the immediately adjacent streets were coming off a relatively low base the increase is not significant enough to warrant further investigation or intervention.

The traffic and accident data suggests that the proposed changes will result in a positive outcome for both the local and boarder community and therefore it is recommended the installation of the "half seagull" island proceed.

With regard to the on-road parking along the western side of Fitzgerald Street, while it continues to generate some complaints from through motorists, a majority of these complaints are lodged by telephone without persons identifying themselves (and therefore not recorded), and then relate more to the frustration and inconvenience of delays rather than substantiated safety concerns. The number of complaints has declined on an annual basis since the introduction of the parking as motorists have become accustomed to the situation.

Therefore as there is no direct evidence to suggest that the on-road parking is creating a significant safety issue in Fitzgerald Street, and on the basis that it is of benefit to the local traders, it is recommended that it be retained.

10.2.6 Further Report - Parking and Traffic Issues, 2005 Pride Parade and Luciano Pavarotti Concert, 29 October 2005

Ward:	South	Date:	5 October 2005
Precinct:	Forrest P14; Beaufort P13 & Hyde Park P12	File Ref:	TES0027 & CMS0040
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on Parking and Traffic Issues for the 2005 Pride Parade and Luciano Pavarotti Concert to be held on 29 October 2005;*
- (ii) *REQUESTS that:*
 - (a) *Pride WA relocate the float marshalling area to Brisbane Street between William and Lake Streets and William Street between Bulwer and Brisbane Streets, in order to reduce the impact upon traffic and parking in the vicinity of Members Equity Stadium on Saturday night, 29 October 2005;*
 - (b) *Pride WA, in conjunction with the Town's officers, liaise with the residents and businesses of Brisbane Street regarding the proposed closure of the street and that they ensure that access to properties is maintained at all times during the road closure;*
 - (c) *the concert organisers to provide a shuttle bus service to and from Forrest Park and Members Equity Stadium; and*
 - (d) *that the concert organisers promote the use of Forrest Park and the shuttle bus services in all its concert advertising and promotions for the Luciano Pavarotti Concert; and*
- (iii) *APPROVES:*
 - (a) *the closure of Brisbane Street, between William and Lake Streets, and William Street, between Bulwer and Brisbane Streets, from 6.00pm to 8.30pm and the closure of Brisbane Street between Beaufort and William Streets from 6.45pm to 8.30pm and William Street between Brisbane and Newcastle Streets from 6.45pm to 9.30pm (if not sooner) on Saturday, 29 October 2005, to facilitate the 2005 Pride Parade;*
 - (b) *APPROVES the closure of Bulwer Street, between Smith and Lord Streets and Pier Street between Brisbane and Brewer Streets from 8.30pm to 10.30pm (if not sooner) on Saturday, 29 October 2005, to facilitate the Pavarotti Concert at Member Equity Stadium;*
 - (c) *for a Main Roads WA accredited Traffic Management contractors to carry out all the required road closures within the Town at the locations shown on attached Plan No. 00-063B; and*

- (d) *the use of Forrest Park as a "one off" for parking for the patrons of the Pavarotti Concert, at \$10 per vehicle (collected by the Town), and that the parking will be controlled by the Town's staff.*
-

Cr Messina returned to the chamber at 8.48pm.

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Torre

That;

1. *a new clause (ii)(e) be inserted as follows:*

“(ii) (e) *that Pride WA be requested to promote the use of public transport to and from the event;*”

2. *clause (ii)(d) be amended as follows:*

“(ii) (d) *that the concert organisers promote the use of Forrest Park and the shuttle bus services in all its concert advertising and promotions for the Luciano Pavarotti Concert and also be required to promote the use of public transport to and from the event;*”

AMENDMENT CARRIED (9-0)

Debate ensued.

Cr Chester departed the chamber at 8.56pm.

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

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

COUNCIL DECISION ITEM 10.2.6

That the Council;

- (i) *RECEIVES the further report on Parking and Traffic Issues for the 2005 Pride Parade and Luciano Pavarotti Concert to be held on 29 October 2005;*

- (ii) *REQUESTS that:*

(a) *Pride WA relocate the float marshalling area to Brisbane Street between William and Lake Streets and William Street between Bulwer and Brisbane Streets, in order to reduce the impact upon traffic and parking in the vicinity of Members Equity Stadium on Saturday night, 29 October 2005;*

- (b) *Pride WA, in conjunction with the Town's officers, liaise with the residents and businesses of Brisbane Street regarding the proposed closure of the street and that they ensure that access to properties is maintained at all times during the road closure;*
 - (c) *the concert organisers to provide a shuttle bus service to and from Forrest Park and Members Equity Stadium;*
 - (d) *that the concert organisers promote the use of Forrest Park and the shuttle bus services in all its concert advertising and promotions for the Luciano Pavarotti Concert and also be required to promote the use of public transport to and from the event; and*
 - (e) *that Pride WA be requested to promote the use of public transport to and from the event;*
- (iii) **APPROVES:**
- (a) *the closure of Brisbane Street, between William and Lake Streets, and William Street, between Bulwer and Brisbane Streets, from 6.00pm to 8.30pm and the closure of Brisbane Street between Beaufort and William Streets from 6.45pm to 8.30pm and William Street between Brisbane and Newcastle Streets from 6.45pm to 9.30pm (if not sooner) on Saturday, 29 October 2005, to facilitate the 2005 Pride Parade;*
 - (b) *APPROVES the closure of Bulwer Street, between Smith and Lord Streets and Pier Street between Brisbane and Brewer Streets from 8.30pm to 10.30pm (if not sooner) on Saturday, 29 October 2005, to facilitate the Pavarotti Concert at Member Equity Stadium;*
 - (c) *for a Main Roads WA accredited Traffic Management contractors to carry out all the required road closures within the Town at the locations shown on attached Plan No. 00-063B; and*
 - (d) *the use of Forrest Park as a "one off" for parking for the patrons of the Pavarotti Concert, at \$10 per vehicle (collected by the Town), and that the parking will be controlled by the Town's staff.*
-

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval to proceed with parking and traffic management arrangements for the 2005 Pride Parade and Pavarotti Concert to be held concurrently on Saturday night, 29 October 2005.

BACKGROUND:

A report was presented to the Ordinary Meeting of Council on 13 September 2005, seeking Council approval to proceed with the necessary road closures to facilitate the 2005 Pride Parade on Saturday 29 October 2005.

Further, the report also advised that the Luciano Pavarotti Concert had been scheduled for Members Equity Stadium (MES) on the same night.

The Pride Parade will potentially attract 60,000 to 80,000 spectators while the Pavarotti Concert could attract up to 16,000 patrons.

While the vast majority of Pride spectators congregate south of Newcastle Street within the Northbridge entertainment area many will use the Town's road network and parking facilities to attend.

It would also be expected that many of the patrons for the Pavarotti Concert would do likewise.

Having considered the report, the Council approved the road closures for the 2005 Pride Parade but, given the potential for traffic and parking issues resulting from two (2) significant events being staged at the same time, also included the following clauses in the resulting resolution:

"(viii) NOTES that;

- (a) a working group will be formed comprising the Town's officers, as well as the relevant stake holders such as Police Public Events, Pride and the City of Perth, to develop a Management Strategy;*
 - (b) a further report will be presented to its Ordinary Meeting scheduled to be held on 11 October 2005;*
 - (c) two (2) significant public events, namely the Luciano Pavarotti concert to be held at Members Equity Stadium and the 2005 Pride Parade, which will commence from Brisbane Street, to be held on Saturday night 29 October 2005, will have an adverse impact on the amenity of the area, particularly parking and traffic; and*
- (ix) APPROVES IN PRINCIPLE of a "one-off" occasion to allow parking on Forrest Park subject to this matter being further considered at the Ordinary Meeting of Council 11 October 2005."*

DETAILS:

In order to better co-ordinate the traffic management and parking arrangements for the two concurrent events, the 2005 Pride Parade and Pavarotti Concert, to be held on Saturday night, 29 October 2005, a meeting was arranged involving all the principle stakeholders.

In light of the difficulty of establishing an acceptable date for all involved, the meeting could not be organised before 5 October 2005.

A meeting invitation was forwarded to eighteen (18) individuals representing the following eleven (11) organisations and/or government authorities.

- Town of Vincent
- Transperth
 - Marketing
 - Services
- WA Police Service
 - Public Events
 - Traffic Branch
- City of Perth

- Pride WA - Parade Coordinator
- Concert Promoter - Paul Gadenne
- Taxi Council – an apology
- Traffic Management Contractors
 - Advanced Traffic Management for Members Equity Stadium
 - Carrington Traffic Management for the Town and Pride WA
- Members Equity Stadium Operations Coordinator – an apology

The meeting focused on the critical times for each event in respect of the likely arrival and departure times of spectators (Pride Parade) and patrons (Pavarotti Concert), installation and removal of road closures, and effective means of reducing the potential for traffic and parking problems.

Several suggestions were raised for discussion, amongst them being:

Proposed change of Pride Parade marshalling area and the impact upon traffic management.

In past years the floats have been assembled in Brisbane Street, between Beaufort and William Streets, and William Street between Bulwer and Brisbane Streets, requiring these sections of road to be closed to traffic from 6.00pm. As a consequence, Beaufort Street south of Bulwer Street is also closed to traffic, denying access to the Brisbane Street carpark.

The proposed change involves switching the Brisbane Street marshalling area to the west of William Street, between William and Lake Streets, while William Street, between Bulwer and Brisbane Streets, would remain the same. This would allow Beaufort, Brisbane and William Streets to remain open for an additional 45minutes to an hour.

It would also enable the road closures to be withdrawn more expeditiously. As an example, once the last float has entered the parade route in William Street (south of Brisbane Street) a closure would immediately be inserted across William (at Brisbane Street) allowing all the streets to the north to be opened up from approximately 8.30pm, an hour earlier than the advertised time.

This in turn will coincide with the installation of the road closures around MES, and in Bulwer and Pier Streets, which will be closed progressively from 8.30pm.

The intention is that as the road closures are installed for the Pavarotti Concert, they are being withdrawn for the Pride Parade.

Public Consultation

It is acknowledged that the proposed changes will have an impact upon the residents of Brisbane Street, and to a lesser extent the businesses. It should be noted though that many of the residences along the northern side of Brisbane Street have rear parking off Amy Street, which will be largely un-affected. To address the potential issues (arising from the proposed changes) it will be necessary to consult with the residents and businesses as soon as practical and to ensure provision is made for local access.

Further, Pride's Organising Committee, which will meet on 11 October 2005, are yet to consider the change and the parade co-ordinator has expressed some reservations. But in light of the potential benefits to residents and visitors alike, the Town's support for the parade over the past fifteen (15) years and the need to accommodate both events, it is recommended that the Council request that Pride WA agree to the change.

Public Transport Usage & Promotion

The potential uptake of public transport was discussed and it was generally agreed that the patrons of the Pavarotti Concert would not use Transperth services and that there was little to be gained in promoting it in the concert advertising. It was also agreed that the advertising space would be better utilised in promoting parking (as discussed below).

Further, Transperth indicated that they had extensive passenger data from the past 15 Pride Parades (1989 - 2004) and were satisfied that existing service levels were adequate to cater for the Pride Parade spectators.

In conclusion, Transperth will not be operating any additional services to those already scheduled.

In respect of taxi and limousine access to and from MES, it will be a similar arrangement to that of the recent Tom Jones and John Farnham Concert. The traffic controller will set aside an area in Bulwer Street exclusively for taxis and small charter vehicles (limousines). While the Taxi Control representative was not at the meeting, this arrangement will be conveyed to them.

Parking on Forrest Park

As indicated above, the meeting agreed that the Pavarotti Concert patrons are unlikely to use public transport and that the majority will use private vehicles. Further, the patrons on average are also likely to be older and, given the nature of the concert, formally dressed. Therefore, it was considered imperative that a parking facility be provided.

As Birdwood Square could not be considered, the meeting discussed the merits of using Forrest Park.

The distance to MES, via Smith Street, is approximately 800m from the centre of Forrest Park. While this is a reasonable walking distance for many people, given the demographics of the patrons and the occasion, it was considered that for Forrest Park to be an attractive option it would be necessary to provide a shuttle bus service.

It is envisaged that two (2) or three (3) x twenty-three (23) seat coaster buses would operate at five (5) minute intervals to and from the concert. The buses would pick up passengers from the park side in Curtis Street, using the existing embayed parking spaces adjacent to the Harold Street intersection, and drop patrons at MES in Pier Street. From Pier Street the bus would return to Forrest Park via Brewer, Lord and Walcott Streets. At the end of the concert the same route would be followed, collecting in Pier Street and dropping in Curtis Street.

Forrest Park can accommodate approximately 600 cars, and based upon a minimum of two (2) people per car equates to 1,200 patrons. For a fee of \$10 per car the potential revenue to the Town is \$6,000. The parking will be controlled by the Town's staff.

From a parks perspective, the Manager of Parks Services had no objections to the "one off" use of Forrest Park as long as the parking is properly controlled. Further, the park has extensive flood lighting, which would be used on the night to ensure pedestrian safety and vehicle security.

Parking Restrictions in Surrounding Streets

The same parking restrictions will apply in the surrounding streets as are currently imposed for Perth Glory games at MES. This should ensure that the residents' interests are protected.

After Events Traffic Management

The Pride Parade will have essentially crossed Newcastle Street and into Northbridge by 9.00pm at which time a majority of the spectators to the north of Newcastle Street will have started dispersing, either further into Northbridge, home, or to local restaurants and bars.

The Pavarotti Concert is scheduled to finish between 9.30 pm and 9.45pm of which a portion of the patrons will remain for after concert functions while the majority will either make their way home or move onto other attractions, and given MES's location, the Beaufort Street strip is more likely.

Therefore, while there is still liable to be significant traffic in the vicinity of MES given the (minimum) ½ hour separation between the conclusions of the two events, traffic congestion should be manageable.

CONSULTATION/ADVERTISING:

As per the Council's previous decision, Pride will be required to liaise with the City of Perth to ensure that the proposed road closures are advertised in accordance with the requirements of the Road Traffic Act 1974.

LEGAL/POLICY

The Town is responsible to ensure that road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA *Code of Practice* and, therefore, only suitably qualified and Main Roads WA accredited Traffic Management Contractors will be invited to tender for the road closure contract.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Strategic Plan 2005-2010 – 2.1 Celebrate and acknowledge the Town's cultural diversity. *“b) Develop and organise community events that engage the community and celebrate the cultural diversity of the Town”.*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the Town's portion of the road closures, for the Pride Parade only, will be approximately \$4,200, to be funded from the 2005/2006 Parades and Festivals budget allocation.

In respect of the Forrest Park parking and shuttle bus service proposal, if it proceeds the parking fees would be set so that it is cost neutral for the Town.

COMMENTS:

While it may be considered unfortunate that two (2) such significant events are scheduled concurrently, and in such close proximity to each other, it is a terrific example of cultural diversity within the Town.

The advertised starting times of both the Pride Parade and the Pavarotti Concert largely dictates the road closures, traffic management, and parking demand. Therefore, in order to ensure both events are a success, these issues need to be managed so as to minimise the impact upon residents and visitors alike.

Therefore the suggested changes, in respect of relocating the float marshalling area and the use of Forrest Park for parking, should lessen the impact upon the majority but may not be popular with those residents directly affected.

10.3.1 Financial Statements as at 31 August 2005

Ward:	Both	Date:	3 October 2005
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

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

Cr Chester returned to the chamber at 8.58pm.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the chamber at 9.00pm.

Debate ensued.

Cr Farrell returned to the chamber at 9.01pm.

Debate ensued.

CARRIED (9-0)

PURPOSE OF REPORT:

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

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 August 2005.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial position and Changes in Equity

- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 99.6 % of the year to date Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 100 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 99.7% of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 179 % of the budget received to date; this is due to vehicle contributions received and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing an unfavourable variance of 40 % due to budget grants not yet received.

Health (Page 4)

Health is showing 536 %, this is due to 281 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining. The year to date budget will be amended to reflect the period the licences are issued.

Community Amenities (Page 6)

Community Amenities is 135 % of the year to date budget, this is as a result of 167 planning applications have been processed year to date.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture shows a favourable variance of 83 % of their revenue budget. Beatty Park Leisure Centre revenue is 71 % of the total Recreation and Culture budget and tracking along with the year to date budget at 83%.

Economic Services (Page 12)

Economic Services is 72 % under budget which is the 115 building licences issued to the month of August.

Operating Expenditure

Operating expenditure for the month of August is under budget at 94%

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2005/06 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for August amount of \$452,298 which is 1 % of the budget of \$40,388,796.

	Budget	Actual to Date	%
Furniture & Equipment	166,300	500	0%
Plant & Equipment	1,252,040	54,292	4%
Land & Building	32,651,460	29,620	0%
Infrastructure	6,318,996	367,886	6%
Total	40,388,796	452,298	1%

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

The statement shows the current assets of \$24,316,039 less current liabilities of \$4,256,540 for a current position of \$20,059,499. The total non current assets amount to \$115,090,119 less non current liabilities of \$11,139,392 with the total net assets of \$124,010,266.

Restricted Cash Reserves (Page 28)

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

Debtors and Rates Financial Summary

General Debtors (Page 29)

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

Sundry Debtors of \$385,615 are outstanding at the end of August. Of the total debt \$68,375 (18%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 30)

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

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

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

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

Instalment Administration Charge (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 \$9,345,940 which represents 65 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 31 August 2005 the operating deficit for the Centre was \$155,025 in comparison to the budgeted year to date deficit of \$67,834 and annual deficit of \$581,324.

The cash position showed a current cash deficit of \$77,225 in comparison to the year to date budget of cash surplus of \$10,778 and an annual budget estimate of a cash deficit of \$126,359. The cash position is calculated by adding back depreciation to the operating position.

10.4.1 Re-Adoption of Policies

Ward:	-	Date:	5 October 2005
Precinct:	-	File Ref:	ORG0023
Attachments:			
Reporting Officer(s):	A Smith, John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *APPROVES the following policies being re-adopted without any amendments as shown in Appendix 10.4.1:*

- *1.1.2 – Use and Hire of Recreational Reserves and Parks; and*
- *1.2.2 – Code of Tendering;*

(ii) *AMENDS and re-adopts the following Policies as shown in Appendix 10.4.1:*

- *1.1.5 – Donations to Sports People;*
- *1.1.7 – Hiring of Banner Poles and Displaying of Promotional Banners;*
- *1.2.10 – Commercial Dealings – Native Forest Woodchips; and*
- *4.1.6 – Community/Precinct Groups; and*

(iii) *not readvertise the policies as they have not been significantly amended.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Doran-Wu

That the amended policies be advertised for public comment as per the usual procedures.

AMENDMENT CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.1

That the Council;

(i) *APPROVES the following policies being re-adopted without any amendments as shown in Appendix 10.4.1:*

- *1.1.2 – Use and Hire of Recreational Reserves and Parks; and*
- *1.2.2 – Code of Tendering;*

(ii) *AMENDS and re-adopts the following Policies as shown in Appendix 10.4.1:*

- *1.1.5 – Donations to Sports People;*
- *1.1.7 – Hiring of Banner Poles and Displaying of Promotional Banners;*
- *1.2.10 – Commercial Dealings – Native Forest Woodchips; and*
- *4.1.6 – Community/Precinct Groups; and*

(iii) *AUTHORISES the Chief Executive Officer to:*

- (a) *advertise the amended policies for a period of twenty one (21) days, seeking public comment;*
 - (b) *report back to the Council with any public submissions received; and*
 - (c) *include the policy in the Council’s Policy Manual if no public submissions are received.*
-

PURPOSE OF REPORT:

The purpose of this report is to seek Council’s approval to re-adopt policies due for review.

BACKGROUND:

The Town’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.

A major review of the Town’s Policy Manual was carried out during 2003/2004 however, there were a small amount of policies that were not due for review until 2005.

DETAILS:

The following policies have been reviewed by the relevant Division and it is their recommendation that they be re-adopted without amendment:

- 1.1.2 - Use and Hire of Recreational Reserves and Parks;
- 1.2.2 - Code of Tendering; and

The following policies have been amended slightly:

1. 1.1.5 – Donations to Sports People

This policy was first introduced in 1997 and was amended in March 2000 to include the following clause:

“4. *an individual resident cannot apply for more than \$500 in any one financial year;*”

It is recommended that the donation amounts be increased to reflect the Consumer Price Index (CPI), the increase cost of travel and also for sports equipment. The amounts have been increased as follows:

	From	To
• State Competitions	\$100	\$130
• National competitions	\$200	\$250
• International/Team competitions	\$500	\$650

Very few requests are received to compete in a State competition (2 in 2004/05) and/or an International competition (0 in 2004/05). The majority are for representation in National competition (6 in 2004/05). The number of team applications each is year is also minimal (0 in 2004/05). The total amount of donations in 2004/05 was \$1,800.

A clause has be introduced into the policy to increase the donations amounts by the CPI (Perth) on 1 July each year.

2. 1.1.7 – Hiring of Banner Poles and Displaying of Promotional Banners

This policy is unchanged, except it is recommended that the fees and charges be deleted from the policy and be included in the Annual Budget – Adoption of Fees and Charges as this is the correct place to include these fees.

A report will be submitted in the mid year Budget review to address this matter. Until this occurs, the existing fees and charges will apply.

3. 1.2.10 – Commercial Dealings – Native Forest Woodchips

This policy is recommended for amendment to make its application more practicable. The following information is provided by the Executive Manager Corporate Services in support of the policy being amended.

“In my opinion we have never been this able to fully comply with policy 1.2.10 - Commercial Dealings-Native Forrest Woodchips. Many of the major companies we deal with have links to native forest felling and or wood chipping. The Town would not be able to properly function if we followed this policy to the letter. What is provided below is only scratching the surface of this issue.

Sotico are the industry leader in regards to logging in WA, Sotico are owned by Wesfarmers. Sotico produces hardwood sawn timber from Western Australia's south-west forests and operates a pine treatment plant at Mundijong in Western Australia. Sotico has a 50 per cent interest in Wespine Industries Pty Ltd which operates a plantation softwood sawmill at Dardanup in Western Australia. Wesfarmers also runs Westwood Timbers, all companies are the major distributors of wood and wood product in WA.

The Policy states that The Council will have no new direct commercial dealings with any company or its wholly owned subsidiary if that company or any of its subsidiaries exports native forest woodchips from Australia. As Wesfarmers own Sotico, Wesfarmers subsidiary companies should be noted as being affected by this Policy. Companies controlled by Wesfarmers that we deal with include - Bunnings, WA Salvage, Kleenheat Gas, Air Liquide, Protector Safety, Blackwoods, Alsafe, Atkins Carlyle, Mullings Fasteners (were Total Fasteners), CSBP.

On a larger Australia wide scale Boral (concrete drainage products) logs native forest for woodchips in New South Wales and Tasmania, making it the second largest exporter of native forest woodchips in Australia.

Amcor Australia (who do our recycling) half own Kimberly Clark who require wood chips for their paper products (Kleenex). Kimberly Clark, the manufacturer of Kleenex tissues, has a licence to buy 44,000 tonnes of whole trees from the Otway State Forrest (Victoria) each year. This represents about 40% of all the Otway forest destroyed by clear-fell. Kimberly Clark requires hardwood woodchips to make tissue paper soft and smooth.

Boise Cascade Office Products, in combination with its various subsidiaries, is arguably the largest distributor of office products in Australia to a wide range of government departments, private sector institutions, small, medium and large business enterprises, universities and schools. Through its supply arrangements with Paperlinx and its subsidiaries it is responsible for the distribution of considerable quantities of paper products derived from domestic and foreign native forests. The most significant of these is Reflex photocopy paper. Boise Cascade has the following major supply relationships - Fellowes Australia, Verbatim, Faber-Castell, Collins Debden, Dalton Office Products, Mistral, Arnos Australia, Pelikan Quartet.

Paperlinx is Australasia's leading maker and seller of office papers such as Reflex Copy Paper. Paperlinx is Australian Paper's parent company. Australian Paper is the sole producer of fine printing and writing papers and sack and bag grade paper in Australia. Australian Paper is mainly focussed on office paper, converting paper and specialty and printing papers. Australian Paper has four mills located at Maryvale (Victoria), Shoalhaven (NSW), Burnie (Tasmania) and Wesley Vale (Tasmania). Paperlinx has an agreement with the Victorian State Government to gain access to native forest fibre until the year 2030. Most of this is supplied from the Central Highlands region of Victoria, the southern Gippsland region of Victoria and the Strzelecki ranges."

It is recommended that this policy be amended to state the Town's philosophical position to have regard for the principles of ecological sustainable development. However, the Town acknowledges the practicality of implementing the policy. Therefore, it is recommended that the policy be amended to insert the words "wherever practicable".

4. 4.1.6 – Community – Precinct Groups

This policy has been amended by increasing the financial assistance provided by the Town to reflect CPI. The initial "set-up" donation has been increased from \$350 to \$450.

As most Precinct Groups have already received their "set-up" donation, this will not unduly impact on the Budget.

The "one-off" subsequent donation has been increased from \$200 to \$250. Again, as most Precinct Groups have already received this donation, minimal impact on the Budget is expected.

A new clause has been included to allow for the amounts to be increased by the CPI each year. This is consistent with our other policies.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public. However, as there are only minor changes it is recommended that this not be carried out. This will provide costs savings to the Council.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

The policies are in keeping with the Town's Strategic Plan 2005 – 2010 – Key Result Area 4.2 – *“Review policies on governance and management ...”*.

FINANCIAL/BUDGET IMPLICATIONS:

The increase in sporting donations can be accommodated with the Council's Budget.

COMMENTS:

It is recommended that the Council approve of the policies as detailed in this report.

APPENDIX 10.4.1

POLICY NO: 1.1.2

USE OR HIRE OF RECREATIONAL RESERVES AND PARKS

OBJECTIVES

To ~~define~~ *provide guidelines for* the conditions of use and the responsibility of persons/organisations and schools/P&C Associations (for the benefit of the school), making applications for the use or hire of the Council's reserves and parks.

POLICY STATEMENT

1. Any person, organisation or school/P&C Association applying to hire a recreation reserve or park shall provide the Town with such details it requires to assess the application and indemnify the Town against all claims arising from the hire of the reserve or park, including all buildings, equipment, facilities, landscaping and trees on that reserve or park.
2. Any person, organisation or school/P&C Association who uses a reserve or park shall comply with the conditions specified by the Town.
3. Reserves or parks are allocated to schools/P&C Associations within the Town of Vincent, free of charge, for use during normal school hours.
4. At the Ordinary Meeting of Council held on 22 March 1999 (Item 12.1), the Council adopted a policy of "removing all fees for Junior sports within the Town of Vincent".

(This policy will be read in conjunction with the Town's Administration Guidelines and Policy Procedures)

Date Adopted:	14 April 1998
Date Amended:	7 November 2000
Date Reviewed:	-
Date of Next Review:	November 2005

**GUIDELINES AND POLICY PROCEDURE FOR
USE OR HIRE OF RECREATIONAL RESERVES AND PARKS –
POLICY NO 1.1.2**

1. Indemnification

When a reserve or park is hired for an event of a commercial nature then the user shall provide to the satisfaction of the Chief Executive Officer a public liability insurance policy to the value of \$10 million.

2. Bond

Payment of any bond to be determined by the Chief Executive Officer shall be payable to the Town at least fourteen (14) days prior to the use of the reserve or park. Cheques and money orders should be payable to the “Town of Vincent”.

3. Environmental Protection Act

The user shall ensure that the requirements of the Environmental Protection Act and relevant Regulations are fulfilled, in particular the Noise Abatement “Neighbourhood Annoyance” Regulation 1979.

4. Liquor

Liquor shall not be consumed or offered for sale on the reserve or park unless the approval of the Chief Executive Officer is first obtained and an occasional licence obtained from the Director of the Liquor Licensing Division.

5. Duration of Hire

The reserve or park and facilities thereon may be used by the user only at the agreed times.

6. Alterations or Additions

The user will be responsible for any costs relating to alterations or additions to existing facilities, subject always to the Town’s approval first being obtained.

7. Construction Works

The cost incurred in all construction works including supply, erection and removal of barricades and also the need for emergency services are to be met by the users. The users should arrange for their own electrician and plumber to be on stand-by to attend to any emergency requirements during the course of the Event. If the Town’s staff is required to be on stand-by for any emergency, the costs incurred are to be met by the user.

8. Signs

Signs for the purpose of advertising events may be installed on the reserve or park seven days prior to the commencement of Events subject to the approval of the Town first being obtained. The signs are not to contain any commercial advertising except that the sponsorship may be identified by a discreet Logo of approved shape and design. The signs must be removed immediately after the event.

9. Removal of Rubbish

Rubbish is to be collected and removed each day from the reserve or park or contained in satisfactory enclosed containers approved by the Town's Health Services section during the period of hire. Users are responsible for the costs associated with the collection and removal of the litter from the particular reserve or park and it would be preferred that this work be undertaken by independent subcontractors. If the Town is to undertake the works on behalf of the user, a clear delineation of the Town's responsibilities is to be documented so that there is no misunderstanding on the areas of responsibility.

10. Cost of Damage

Users will be responsible for all costs relating to damage attributable to the conduct of Events, including ground reinstatement costs and damage caused to public utility services.

For that purpose the site and, in particular, any buildings involved will be inspected before and after use in conjunction with the user in order to assess damage caused during the Event. The user is therefore required to nominate the name of a person in authority, together with the appropriate telephone number, who will be available at all times during the event, should it be necessary, for the Town to make contact.

11. Health Act and Regulations

Users must undertake to observe the relevant sections of the Health Act and Regulations, with particular reference to the selling of foodstuffs.

All food and drinks shall be stored, kept, prepared, cooked, processed, served or otherwise dealt with in approved premises or mobile food vehicles and the premises and all mobile food vehicles shall be inspected and approved by the Town's Health Services section prior to commencement of each function.

12. Pedestrian and Vehicular Access

Subject to the satisfaction of the Town, adequate measures shall be taken by the user in respect to pedestrian and vehicle access to the reserve or park to ensure the Town's facilities are safeguarded.

13. Parking Supervision

- (i) Parking supervision outside the grounds of the recreational facilities will be provided by the Town as part of its ordinary parking operation.
- (ii) Parking supervision within the grounds of recreational facilities will be the responsibility of the user but such supervision will be provided by the Town at the request of, and on payment of the costs involved by, the user provided, however, that where in the view of the Chief Executive Officer or their nominee experience of the particular event has shown that parking supervision is necessary, the Town will provide parking supervision at the cost of the user.

14. Road Closures - Deviation of Traffic

Barricading, lamping and signposting for road closures are to be undertaken by the Town after prior approval is granted by the Commissioner for Main Roads. The cost incurred on these works are to be met by the user.

15. Electricity Supply

Where electricity is available on the reserve or park, the user is required to arrange for connection to the supply via a temporary meter and pay all necessary charges including the cost of electricity consumption.

16. Security Control

Where the user engages or arranges any form of security or patrol service, the persons engaged for that are to be properly instructed in the carrying out of their work and the limitations of their authority.

17. Use of Reserves and Parks by Schools in the Town

- (i) Any use of reserves and parks by schools outside from normal school hours will be charged at the rate as listed in the Fees and Charges Schedule. Other requests for additional use by schools after the requirements of other organisations and condition of grounds are considered.
- (ii) Schools using the Town's facilities are expected to provide adult supervision at all times. Any damage caused to grounds or facilities while schools are in occupation will be charged to the school booking the facilities.
- (iii) Grounds will be allocated to schools on the understanding that Essential Ground Maintenance will be given preference.
- (iv) Use of change rooms and toilet blocks by schools using the reserves or parks, is subject to a key bond charge as listed in the Town's Fees and Charges Schedule.

~~**18. Use of Reserves and Parks by Juniors**~~

~~At the Ordinary Meeting of Council held on 22 March 1999 (Item 12.1), the Council adopted a policy of "removing all fees for Junior sports within the Town of Vincent". (now clause (4) of policy)~~

POLICY NO: 1.1.5

DONATIONS TO SPORTS PEOPLE

OBJECTIVES

To establish the circumstances under which the Town of Vincent may provide financial assistance to individual residents and community based teams participating in State, National or International Sporting Competitions.

POLICY STATEMENT

1. The Town of Vincent may provide financial assistance to individuals and teams competing in Sporting Competitions on the following basis:
 - 1.1 an individual, resident in the Town of Vincent selected by a recognised State Sporting Body or nominated by a Sporting Club to compete in a State competition, be paid ~~\$100~~ \$130 towards costs of competing;
 - 1.2 an individual, resident in the Town of Vincent selected by a recognised State Sporting Body to represent the State in a National competition, be paid ~~\$200~~ \$250 towards costs of competing;
 - 1.3 an individual, resident in the Town of Vincent selected by a recognised National Sporting Body to represent Australia in a International competition, be paid ~~\$500~~ \$650 towards costs of competing;
 - 1.4 an individual resident cannot apply for more than ~~\$500~~ \$650 in any one financial year;
 - 1.5 a Team, based in the Town of Vincent selected by a recognised State Sporting Body to represent the State in a National competition, be paid ~~\$500~~ \$650 towards costs of competing providing at least three members of the Team are resident in the Town of Vincent; and
 - 1.6 this policy shall not apply to professional or semi-professional sporting competitions with payments to be made at the discretion of the Council.
2. *The amounts in this policy shall be increased by the Consumer Price Index (Perth) on 1 July each year.*

Date Adopted:	9 June 1997
Date Amended:	14 March 2000
Date Reviewed:	-
Date of Next Review:	March 2005

POLICY NO: 1.1.7

**HIRING OF BANNER POLES AND DISPLAYING
PROMOTIONAL BANNERS**

OBJECTIVES

To enhance the visual appearance of the Town of Vincent through the use of well designed and appropriate banners/flags on a user pays principle and a full cost recovery practice.

To convey information about events regarding sporting, tourism, cultural and community events, and to encourage sponsor involvement in these events through promotional acknowledgment.

POLICY STATEMENT

The following conditions apply to the erection of banners within the Town of Vincent:

1. LOCATION APPLICATION

~~The banner poles are located at the intersection of Beaufort Street and Brisbane Street, Perth.~~ This policy applies to banner poles in public places which are under the control of the Town.

2. PRINCIPLES

Events to be promoted on the Town's banner poles must be:

- 2.1 an event run by a non-profit organisation;
- 2.2 an event run by a government organisation that is of interest to the general public; or
- 2.3 a major event, including sporting events, that attracts large numbers of local, interstate and overseas visitors to the Town of Vincent and promotes the Town through local, interstate and international press and television coverage.
- 2.4 Priority will be given to events which:
 - 2.4.1 Increase visitation to the Town
 - 2.4.2 Provide direct benefits to the Town and residents
 - 2.4.3 Reflect the culture of Vincent and Western Australia
- 2.5 The Town of Vincent has the discretion to accept or reject applications for hire of the banner/flag poles.

3. **HIRING BANNER/FLAG POLES - FEE SCHEDULE**

The schedule of fees is based on the Town of ~~Vincent~~ recovering the charges of its approved contractors *and shall be those adopted by the Council in its Annual Budget.*

Beaufort Street and Brisbane Street – Banner Poles

~~Two (2) banner poles at Birdwood Square can display either 4 banners of 3meters x 1.6 meters or 1 banner not exceeding the sail area of 14sqm.~~

Commercial Rates

~~The banner poles are hired at a cost of at least \$500.00 for the first week, this includes installation.~~

~~Each consecutive week incurs a hiring fee of \$100.~~

Community Rates

~~The banner poles are hired at a cost of \$350 for the first week, this includes installation.~~

~~Each consecutive week incurs a hiring fee of \$50.~~

4. **PUBLIC LIABILITY**

Applicants are required to supply proof of Public Liability Insurance to a value not less than \$5 million, prior to the erection of a banner.

5. **ASSOCIATED GUIDELINES**

This policy will be subject to associated guidelines which will identify the following:

- A. Applications And Bookings
- B. Payments/Sponsorship Requests
- C. Design Guidelines
- D. Banner Erection
- E. Responsibility of Banner

Date Adopted:	12 September 2000
Date Amended:	-
Date Reviewed:	-
Date of Next Review:	September 2005

**GUIDELINES AND POLICY PROCEDURES FOR
HIRING OF BANNER POLES AND DISPLAYING PROMOTIONAL
BANNERS POLICY NO 1.1.7**

A. APPLICATIONS AND BOOKINGS

- (i) The minimum hire period for banner poles is one (1) week and a maximum of six (6) weeks per booking, with the hire period being from Monday to Monday, unless otherwise approved. All banners to be removed immediately upon completion of the event.
- (ii) All banner and flag pole bookings coordinated through the Customer Service Officer. (~~Administrative Services~~ Community Development)
- (iii) Bookings can be made up to one (1) year in advance, on a first come, first serve basis. Organisations or event organisers are limited to making two (2) bookings per year for the same event, unless otherwise approved.
- (iv) All bookings should be made in writing at least four (3) months prior to the date required.
- (v) The applicant must accept and acknowledge full responsibility for public risk and fully indemnify Council from and against all claims, judgements and the like arising from the erection or display of the banners/flags.
- (vi) The Town of Vincent may remove and impound any banner/flag which does not comply with this policy without compensation to the applicant.
- (vii) The Town of Vincent will always be given priority. It is acknowledged that in some cases this will conflict with an organisation that has a prior booking

B. PAYMENTS / SPONSORSHIP REQUESTS

These fees will not apply to Town of Vincent service areas. The service area using the banner poles will pay for the cost of installation and de-installation only.

The costs of banner production and fasteners will be funded from service areas budgets.

- (i) A deposit of 10% of the total booking fee is required two (2) months prior to the banner/flag erection date to secure the booking. Refer to the attached Fee Schedule for current charges.
- (ii) Payment in full must be made at least two (2) weeks prior to the erection date of the banners/flags.

- (iii) Notice of a booking cancellation is required in writing at least two (2) months in advance, in which case the 10% deposit will be refunded. If later, no refund is payable.
- (iv) The final hire charge shall incorporate the cost of installation and removal of the banners/flags which shall be carried out by the Town.
- (v) The Town will not reimburse the applicant for any damage or theft incurred to their banners/flags whilst being displayed.
- (vi) Sponsorship requests to provide for the reimbursement of the hire fee of banner and flag poles will be considered only for non-commercial organisations, not-for-profit groups and/or community groups. Special rates may require certification as a registered non profit organisation if requested.
- (vii) If the Town agrees to reimburse any portion of the booking fee, the organiser/applicant must acknowledge the support of the Town of Vincent in a mutually agreed context.
- (viii) The cost of production of the banners and flags and the provision of fasteners will be met in full by the organiser/applicant, unless otherwise negotiated with the Council.

C. DESIGN GUIDELINES

- (i) Applications should be accompanied by full details of the proposed display, including a sketch of each separate banner/flag design, dates requested for hiring and quantity of poles required. This must be received at least three (3) months prior to the proposed booking.
- (ii) All advertising and sponsorship on banners/flags is limited to 10% of the total banner/flag area. Advertising is considered to be any information on the banner/flag that is devoted to a sponsor or organisation that will benefit from having its logo or name displayed on the banner/flag.
- (iii) The banner/flag is to contain no commercial or election advertising whatsoever. There is to be no tobacco advertising on the banner/flag.
- (iv) All banners/flags are to be of a high standard of presentation, containing strong colourful graphics, concise wording and easily read by motorists and pedestrians.

- (v) The banners are to be made from a durable material of adequate strength to withstand the forces exerted by the wind without fraying or tearing for the duration of the period they are in place. The recommended banner material is PVC Banner Fabric or Fire Retardant PVC Coated Tarpaulin Fabric with UV Protection. All corners need to be gusseted in double thickness and eyelets on each corner need to be reinforced. The two eyelets at the top and the four are at the bottom.
- (vi) Applicants are required to make their own arrangements for the manufacture of their banner.
- (vii) All banner/flag designs are to be approved prior to installation by the Chief Executive Officer, who reserves the right to refuse any designs which are not appropriate.
- (viii) The Town will not install any banners/flags which fail to comply with the design guidelines or which have not been made in accordance with design specifications. These are available from the Customer Service Officer.
- (ix) Banners/flags may be reused for future bookings provided they are well maintained and of a high standard of presentation.

D. BANNER ERECTION

- (i) The banners are to be erected and removed by the Council.
- (ii) The banners are to be delivered by the applicant to Customer Service Officer at the Administration Centre, 244 Vincent Street, Leederville, before 12 noon on the Thursday prior to erection.
- (iii) The erection of banners delivered after this date may be held over or incur additional erection costs.
- (iv) The banners are to be collected from the Administration Centre the Monday after dismantling.

E. RESPONSIBILITY OF BANNER

The Town accepts no responsibility for damage incurred to the banner. In the event that the banner is required to be dismantled before the hire period has expired the fee is non-refundable. Should the applicant require another banner to be erected a further \$500.00 is payable. A 24-hour contact number should be provided.

POLICY NO: 1.2.2

CODE OF TENDERING

OBJECTIVES

~~This policy provides~~ *To provide* guidelines for the ~~Council's~~ *Town's* tendering system, that will ensure probity, transparency of process, consistency, value for money, accountability, and conflict of interest are all properly addressed and documented.

POLICY STATEMENT

The Council resolved, at its meeting held on 11 July 2000, to adopt the Western Australian Municipal Association (WAMA) Model Code of Tendering with minor alterations.

~~(This Policy is to be read in conjunction with the Code of Tendering document)~~

Date Adopted:	11 July 2000
Date Amended:	-
Date Reviewed:	-
Date of Next Review:	July 2005

POLICY NUMBER: 4.1.6

COMMUNITY/PRECINCT GROUPS

OBJECTIVES

To provide guidelines for the development of community based groups within the ~~municipality~~ Town.

POLICY STATEMENT

That the Council adopt the policy of supporting the establishment of incorporated community groups on the following basis:-

1. (i) the groups be established within the geographic context of groups under the Draft Town of Vincent Town Planning Scheme No 1;
 - (ii) (a) the council provide direct financial assistance to each of the groups on the basis of ~~\$350~~ \$450 in the first year to assist with incorporation expenses, photocopying, postage and petties; and
 - (b) the Council provide a one-off grant of ~~\$200~~ \$250 to incorporated Community/Precinct Groups who are in their second year of operation, to cover ongoing costs associated with the administration/operations (eg photocopying, printing, postage, telephone and sundries);
 - (iii) the Council provide access to a local hall or facility (if possible) free of charge for up to 3 hours per month for each group;
 - (iv) the Council provide copies of Agenda and Minutes of the Councils meetings for each of the groups; and
 - (v) groups to provide copies of Meeting Agenda and Minutes and Audited Annual Financial statements to the Council for distribution to Elected Members;
2. At the Council meeting held on January 1997 it was resolved:
- That the Council:
- (a) adopt as a model constitution for intending community groups the constitution as currently used by the Cleaver Precinct Group Inc. as the preferred model as shown laid on the table; and
 - (b) encourage all community groups to develop their constitution along the lines of the model constitution and any constitution developed by community groups will need to be endorsed by Council for the group to receive formal recognition by the Council.
3. The amounts in this policy shall be increased by the Consumer Price Index (Perth) on 1 July of each year.

Date Adopted:	28 July 1997
Date Amended:	13 June 2000
Date Reviewed:	-
Date of Next Review:	June 2005

POLICY NO: 1.2.10

COMMERCIAL DEALINGS – NATIVE FOREST WOODCHIPS

OBJECTIVES

To provide guidance for ~~Council's~~ the Town's dealings with companies associated with the logging of old growth forests/exports of native forest woodchips.

POLICY STATEMENT

That ~~Council~~ the Town wherever practicable:

- 2.1. will have regard to the principles of ecologically sustainable development in carrying out its responsibilities as a purchaser of goods and services; and
- 4.2. will have no new direct commercial dealings with any company or its wholly owned subsidiary if that company or any of its subsidiaries exports native forest woodchips from Australia; ~~and~~.

Date Adopted:	24 May 1999
Date Amended:	-
Date Reviewed:	-
Date of Next Review:	May 2004

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Councillor Simon Chester – Flinders Street Valuations
--

That the Council AUTHORISES the Chief Executive Officer to investigate the valuation advice arranged by the Town from Australian Property Consultants, Murray R Stubbs and Pember, Wilson & Eftos in regard to No. 98 (Lot 50) Flinders Street (Corner Woodstock Street), Mount Hawthorn - Proposed Green-Title/Freehold Subdivision - Public Open Space and Cash-in-Lieu Contribution (subdivision reference 119765) and provide a report to council no later than December 2005 and such report should consider and identify all factors that contributed to the magnitude of difference between the valuations arranged by the Town and the sale prices realised for Lots 31 to 39 inclusive at the auction of 1 October 2005.

COUNCIL DECISION ITEM 11.1

Moved Cr Maier, Seconded Cr Lake

That the motion be adopted.

Debate ensued.

CARRIED (9-0)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

At 9.17pm Moved Cr Farrell, Seconded Cr Maier

That the meeting proceed "behind closed doors" to consider the confidential Items 14.1, 14.2, 14.3 and 14.4 as they contain legal advice and/or commercially sensitive information.

CARRIED (9-0)

14.1 Unauthorised Use of Garage as "Car Park" - State Administrative Tribunal Directions Hearing

Ward:	South	Date:	5 October 2005
Precinct:	Hyde Park; P12	File Ref:	PRO1602
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the report relating to No. 103A (Lot 94, Strata Lot 2) Grosvenor Road, Mount Lawley- Unauthorised Use of Garage as "Car park"- State Administrative Tribunal Directions Hearing (Matter No. DR 471 of 2005).

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Cr Doran-Wu departed the chamber at 9.18pm.

Debate ensued.

Cr Doran-Wu returned to the chamber at 9.20pm.

Debate ensued.

Cr Farrell departed the chamber at 9.25pm.

Debate ensued.

Cr Farrell returned to the chamber at 9.27pm.

Debate ensued.

CARRIED (9-0)

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

PURPOSE OF REPORT:

- To advise the Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.

BACKGROUND:

- 5 December 2000 At its Ordinary Meeting, the Council refused an application for proposed conversion of an existing single storey garage into an additional two-storey grouped dwelling to an existing dwelling at No. 103 (Lot 94) Grosvenor Road, Mount Lawley.
- 19 December 2000 At its Ordinary Meeting, the Council conditionally approved an application for proposed conversion of an existing single storey garage into an additional two-storey grouped dwelling to an existing dwelling at No. 103 (Lot 94) Grosvenor Road, Mount Lawley (Serial No. 00/33/0424).
- 6 February 2001 The Western Australian Planning Commission (WAPC) granted conditional approval for the survey-strata subdivision of No. 103 (Lot 94) Grosvenor Road, Mount Lawley.
- 9 February 2005 Enquiry received by member of public regarding the approved use at the above site, and alleged car repairing, vehicles engine revving , noise from machinery associated with the owners' racing car at all hours of the night, day and weekends.
- 19 May 2005 Written Direction (Notice) issued by the Town under Section 10(2) of the Town Planning and Development Act 1928 ('Act'), which required the owner to *"to stop and not recommence the Use that is undertaken on the Land in contravention of the Scheme."*
- 30 May 2005 Notice of appeal/ application for review lodged with the State Administrative Tribunal (SAT).
- 6 July 2005 Direction hearing held at the SAT.
- 6 September 2005 Mediation held at the SAT.
- 21 October 2005 Written submissions by the Town are due to be lodged at the SAT.

The consultants representing the owners have advised as follows:

- That the rear strata lot was created in accordance with the WAPC approval dated 6 February 2001 and that there was no condition requiring the demolition of the garage.
- The development approval serial 00/33/0424 issued on 12 January 2001, which has now expired, did not have a condition that the existing garage use cease.
- The WAPC approval requires a Management Statement, to ensure that any development on the above site will need to comply with a current development approval, which the owners will comply.

The owners have further advised that the garage houses a *"historic race car"* which is prepared for *"historic racing"* on a very irregular basis. The car is pushed on and off a trailer and taken directly to race sites and returned to the garage for storage. Another family car is also parked at the garage. The owners also state that they are aware of noise regulation and, if testing is required, this will be done at a reasonable time, with noise output being measured.

DETAILS:

The Town's Officers are of the view that the rear development has not been completed in accordance with Approval to Commence Development, Serial No. 00/33/0424, which was issued on 12 January 2001. Furthermore, the development was approved by an "Absolute Majority" of Council at the Ordinary Meeting held on 19 December 2000, as the site area was smaller than required for an additional grouped dwelling. The intention of the Council and Town Officers is that the development as approved on 19 December 2000 would be completed and strata titled as such. The above information was conveyed in writing to the surveyors handling the strata subdivision of the above site on 2 March 2000, which is well prior to the development approval being approved at the Ordinary Meeting of Council held on 19 December 2000. The non-completion of the building on the rear of the site as per the development approval Serial 00/33/0424 has resulted in the garage only being on a separate rear lot (strata Lot 2), with frontage to the right-of way. As such, it the Town's Officers view that the surveyors and owners were fully notified well in advance that the garage on its own will be defined as a "Car Park" as the existing garage at the rear of strata Lot 2 will become the dominant use on-site as the above lot has been strata titled and the development not completed.

Under the Town of Vincent Town Planning Scheme No.1 (TPS No.1), a "Car Park" is defined as follows:

"car park" means any land or buildings used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale, and does not include car parking areas provided in compliance with development approvals;"

The subject property is zoned Residential under TPS No.1, and a "Car Park" under TPS No.1 is an "X" or prohibited use in the Residential zone, which means that it is not permitted at the subject property by TPS No.1.

Due to the above unauthorised use and the consequent non-compliance with TPS No.1, the Town issued a Written Direction (Notice) under Section 10 (2) of the Town Planning and Development Act 1928, which required the owner "to stop and not recommence the Use that is undertaken on the Land in contravention of the Scheme."

The applicant has lodged an application with SAT to review the above Written Direction (Notice).

The Town's records indicate that the front strata Lot 1 facing Grosvenor Road under different ownership to that of subject rear Lot 2.

The Town's Officers will be representing the Town in relation to the subject review matter.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal-Policy No 4.1.23.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council receives this report.

14.2 Proposed Demolition of Existing Outbuilding (Shed) and Construction of Additional Single House to Existing Single House- State Administrative Tribunal (SAT) Directions Hearing

Ward:	North	Date:	4 October 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2723; 5.2005.2901.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 196 (Lot 556) Anzac Road, corner Federation Street, Mount Hawthorn - Proposed Demolition of Existing Outbuilding (Shed) and Construction of Additional Single House to Existing Single House-State Administrative Tribunal Directions Hearing (Matter No. DR 540 of 2005);*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 23 September 2005:*
 - (a) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road and Federation Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (b) *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;*
 - (c) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s);*
 - (d) *prior to the clearance of the diagram of survey for the creation of the proposed lots, the perimeter walls of the approved dwelling shall be constructed to plate height;*
 - (e) *if the power pole on the Federation Street verge adjacent to the subject dwelling is required to be relocated to accommodate compliant vehicular crossovers, the power pole shall be relocated at the owner's cost, prior to the first occupation of the development; and*
 - (f) *any new street/front wall, fence and gate between the Anzac Road boundary and Federation Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *NOMINATES COUNCILLOR to represent the Town as a witness in the full SAT Hearing to be held on 4 November 2005; and*
- (iv) *INVITES the resident who objected to the proposal to be a witness in the full SAT Hearing to be held on 4 November 2005.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

No nominations were made with respect to clause (iii).

CARRIED (9-0)

COUNCIL DECISION ITEM 14.2

That the Council;

- (i) *RECEIVES the report relating to No. 196 (Lot 556) Anzac Road, corner Federation Street, Mount Hawthorn - Proposed Demolition of Existing Outbuilding (Shed) and Construction of Additional Single House to Existing Single House-State Administrative Tribunal Directions Hearing (Matter No. DR 540 of 2005);*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 23 September 2005:*
 - (a) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road and Federation Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (b) *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;*

- (c) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (d) *prior to the clearance of the diagram of survey for the creation of the proposed lots, the perimeter walls of the approved dwelling shall be constructed to plate height;*
- (e) *if the power pole on the Federation Street verge adjacent to the subject dwelling is required to be relocated to accommodate compliant vehicular crossovers, the power pole shall be relocated at the owner's cost, prior to the first occupation of the development; and*
- (f) *any new street/front wall, fence and gate between the Anzac Road boundary and Federation Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iii) *INVITES the resident who objected to the proposal to be a witness in the full SAT Hearing to be held on 4 November 2005.*

(Note: No nominations were received from Elected Members to attend the SAT Hearing.)

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

PURPOSE OF REPORT:

- To advise the Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.

- To consider an Elected Member (s) and a local member of the community to appear as witness on behalf of the Town.
- To file draft "*without prejudice*" conditions of approval in advance of the hearing, concerning the Council's refusal of the above application.

BACKGROUND:

- 13 April 2004 At its Ordinary Meeting, the Council refused an application for an additional single house and alterations to the existing house.
- 3 May 2004 Notice of appeal lodged with the previous Town Planning Appeal Tribunal (TPAT).
- 22 June 2004 At its Ordinary Meeting, the Council refused revised plans stamp dated 28 May 2004.
- 16 July 2004 Previous TPAT resolved to dismiss the appeal.
- 12 April 2005 At its Ordinary Meeting, the Council refused an application for proposed additional single storey single house to existing single house.
- 9 August 2005 At its Ordinary Meeting, the Council refused an application for proposed demolition of existing outbuilding (shed) and construction of additional single house to existing single house (development application No.5.2005.2901.1).
- 16 August 2005 Owners of No.196 Anzac Road, Mount Hawthorn lodged an application for the Review of the Council determination at its Ordinary Meeting on 9 August 2005, with SAT (attached).
- 13 September 2005 The Council at its Ordinary Meeting resolved to refuse for proposed demolition of existing outbuilding (shed) and construction of additional single house to existing single house (development application No.5.2005.3110.1).
- 21 September 2005 Direction Hearing at SAT.
- 7 October 2005 Due date for the respondent (Town) statement and associated documents to be forwarded to SAT.
- 4 November 2005 Date set for full SAT Hearing.

The following is a verbatim copy of the Minutes in part of the reasons for refusal and subsequent motions of the Item placed before the Council at its Ordinary Meeting held on 9 August 2005.

- "1. *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
2. *the development does not comply with the average and minimum site area per dwelling requirements of the Residential Design Codes R 30 density code;*
3. *the development does not comply with the access and car parking requirements of the Residential Design Codes;*
4. *the Council has previously resolved that the place as it will remain, does not warrant a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1;*
5. *consideration of the objections received;*

6. *the proposed crossover for the existing house accessed off Anzac Road does not comply with Australian Standard AS/NZS 2890.1:2004 as the proposed crossover would be located within 6 metres of the kerb tangent point;*
7. *the proposed crossover for the existing house accessed off Federation Street does not have the required clearance from the existing power pole. The measured width from the rear of the existing house and southern edge of the existing power pole is approximately 2.7 metres and the required minimum width of a crossover is 3 metres with a 0.5 metre offset from the edge of the power pole; and*
8. *the car bays for the proposed dwelling are 2.5 metres wide and not the required 2.7 metres wide."*

DETAILS:

The applicant has lodged an application with SAT to review the Planning Refusal and reasons determined by the Council at its Ordinary Meeting held on 9 August 2005.

At the Directions Hearing on 21 September 2005, the applicant advised the SAT member and Town's Officers that revised plans dated 21 September 2005 will be submitted for review by the State Administrative Tribunal. These plans are, however, the same as the plans considered and refused by the Council at its Ordinary Meeting held on 13 September 2005.

Due to the tight time frames involved with the review process, Mr. John Meggitt has been engaged to represent the Town in the above review process. Mr. Meggitt also represented the Town in the previous appeal to the TPAT relating to the subject site, where the appeal was dismissed on 16 July 2004.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal-Policy No. 4.1.23

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent), Mr. John Meggitt, based on \$70 per hour plus GST.

COMMENTS:

The SAT has advised that the draft conditions would be *"without prejudice "and "is not a concession by the decision-maker that approval of the application is appropriate."* The SAT has introduced the above practice for the following two reasons:

- (1) Under Section 9 of the State Administrative Tribunal Act 2004 (WA), the objectives include *"to act as speedily and with as little formality and technicality as practicable, and minimise the costs to the parties"*.
- (2) The SAT needs to have a full appreciation of all conditions applicable prior to making a reliable decision.

On the above basis, the following is recommended:

- The Council "Files" and "Serves" the draft "without prejudice" conditions applicable to the above development if the above review is allowed by the SAT.
- The Council nominates an Elected Member(s) to represent the Town as a witness in the review process.
- The Council invites the landowner who made a written submission against the proposal to represent the Town as a witness in the review process.

14.3 Beatty Park Leisure Centre – Café Operation

Ward:	-	Date:	3 October 2005
Precinct:	-	File Ref:	TEN0315
Attachments:			
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” to consider the confidential report, circulated separately to Elected Members, relating to the Beatty Park Leisure Centre-Café Operation; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

At 9.17pm Moved Cr Farrell, Seconded Cr Maier

That the meeting proceed “behind closed doors” to consider the confidential Items 14.1, 14.2, 14.3 and 14.4 as they contain legal advice and/or commercially sensitive information.

CARRIED (9-0)

COUNCIL DECISION ITEM 14.3

That the Item be DEFERRED for further investigation and consideration.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains commercially sensitive and personnel information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 *Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
 - (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

14.4 Confidential Report: Review of the Town's Boundaries and Submission of a Proposal to the Local Government Advisory Board - Final Report

Ward:	-	Date:	5 October 2005
Precinct:	-	File Ref:	ORG0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the final report relating to its proposal to alter the Town's boundaries, as shown in Appendix 14.4.

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

That the revised version of the report include Perth City Council Rates information.

Debate ensued.

AMENDMENT CARRIED (9-0)

Debate ensued.

Cr Messina departed the chamber at 10.21pm.

Debate ensued.

Cr Messina returned to the chamber at 10.24pm.

Debate ensued.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 14.4

That the Council RECEIVES the final report relating to its proposal to alter the Town's boundaries, as shown in Appendix 14.4 subject to information regarding the City of Perth Rates being included.

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

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the final report (dated October 2005) relating to its proposal to alter the Town's boundaries, prior to submission to the Local Government Advisory Board.

BACKGROUND:

At the Special Meeting of Council held on 7 September 2005, the Council considered this matter and resolved as follows;

"That the Council;

- (i) in accordance with Clause 2(1)(b) of Schedule 2.1 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to submit a proposal to the Local Government Advisory Board and Minister for Local Government and Regional Development to alter the Town's boundaries as follows;*
 - (a) to transfer the following part of the City of Stirling into the Town of Vincent:*
 - for the suburb of Glendalough - east of the Mitchell Freeway (bounded by the Mitchell Freeway, Powis Street, Brady Street and Scarborough Beach Road, Mount Hawthorn) as shown in the plans Appendices 2 and 3; and*
 - (b) to transfer the following part of the City of Perth into the Town of Vincent:*
 - for the area bounded by Loftus Street, Newcastle Street, Lindsay Street, Little Parry Street, Parry Street, Lord Street, Summers Street, Swan River and the Graham Farmer Freeway as shown in plans Appendices 4-9;*
- (ii) is of the opinion that its proposal is one of a minor nature, as referred to in Clause 3(3) of Schedule 2.1 of the Local Government Act 1995, as it involves a small area of approximately 27.3 hectares (176 lots and 622 residents) within the City of Stirling and an area of approximately 49 hectares (282 lots and approximately 50 residents) in the City of Perth and, accordingly, REQUESTS the Local Government Advisory Board to deal with its proposal in this manner;*
- (iii) DEFERS advising the City of Stirling and City of Perth respectively, of its intention to submit a proposal to the Local Government Advisory Board until Council has considered the final report referred to in clause (vii);*
- (iv) AUTHORISES the Mayor and Chief Executive Officer to meet with the Local Government Advisory Board, Minister for Local Government and Regional Development and other relevant persons to progress the Council's proposal;*
- (v) NOTES that the details of this report are to remain strictly confidential until publicly announced by the Mayor;*
- (vi) AUTHORISES the Mayor and/or Chief Executive Officer to make public this report, or parts of this report at the appropriate time; and*
- (vii) REQUESTS the Chief Executive Officer to submit a final report to Council addressing the matters raised by Elected Members, prior to submission to the Local Government Advisory Board."*

DETAILS:

Following the Special Meeting of Council, the CEO wrote to all Elected Members seeking their comments and the following was received;

Cr Chester - Questions and Comments:

"In regards to the above item, I have previously sent the questions below. I am satisfied with the response to my question 4. I request a more full and comprehensive response to my previous questions 1, 2 and 3 be included in the report so the report demonstrates the full financial impact of the boundary extension.

In addition I would raise the following area that I would like to be included in the report:-

In the CEO's report that comes back to council I would like for Councils information some estimate of the total time and resources that have been expended and what estimates have been prepared for the total resource time required to complete the boundary change? I realise this information may not be appropriate to be included in the report to the Local Government Advisory Board, so it may be more appropriate if that information was separated from the report that is going to the Advisory Board."

Q1. What is the net annual benefit to the Town once costs of services are included?

CEO's Comment:

This is shown in Clause 3.8.1. of the report.

Q2. Have officers inspected the proposed areas for pending costs and expenses in regard to works/planning programs required?

CEO's Comment:

Yes. This is shown under the heading "Engineering Services" of the report.

Q3. Has EPRA been approached to identify whether contributions to infrastructure costs will be required in any of its project areas?

CEO's Comment:

Yes. No contribution will be required.

Q4. Over what period of time will City of Perth ratepayers be brought up to Town of Vincent rate per Grv?

CEO's Comment:

It is recommended that a differential rate be introduced over a 3-5 year period.

Q5. Please identify what the benefits are to existing residents and ratepayers of the Town if the were Town to extend its boundaries?

CEO's Comment:

This information is shown in the "Executive Summary" of the report.

Cr Ker - Questions and Comments:

Q1. What are the planning implications (eg in terms of the Town Planning Scheme, locality guidelines, residential design elements, Vincent Vision) of adding these areas. This is particularly relevant for Glendalough, which is the largest element in terms of numbers of people and is also undergoing a substantial process of redevelopment that, at present, doesn't seem to take adequate advantage of the presence of the train station. Blocks are mainly larger than in the existing Town of Vincent and our policies may need to be reviewed to take account of this.

CEO's Comment:

The planning implications have been thoroughly examined, as shown in Clause 3.8.1.

- Q2. *What are the financial implications of the proposed changes? Certainly we will gain additional rate revenue, but what are the expectations of people (and businesses) in these areas in terms of services and infrastructure - I know there aren't currently any people in the East Perth Power Station locality, but the question will still need to be addressed. Cr Doran Wu has raised the issue of the security levy/service of City of Stirling, but there may well be other issues.*

CEO's Comment:

This is shown in Clause 3.8.1. of the report. The Town will provide its services to the areas under proposal. No security service is provided by the Town and hence no security levy would be imposed.

- Q3. *Very specifically, what are the financial implications of taking on responsibility for Brady Street and one half (or an additional half) of an additional length of (a) Scarborough Beach Road, (b) Newcastle Street (west), (c) Parry Street and Newcastle Street (east), (d) Lord Street?*

CEO's Comment:

The Town's Technical Services have inspected all roads and footpaths - "all roads have been re-surfaced, re-kerbed and drainage improvements carried out".

See information under the heading of "Infrastructure Upgrades" in Clause 3.8.1.

- Q4. *Summers Street? When are these roads likely to require substantial maintenance or rehabilitation and how much of the funding would the Town have to find?*

CEO's Comment:

Summer Street will need to be re-surfaced in the next ten (10) years. It is considered that these works will be planned well in advance.

- Q5. *In view of the difficulty we have sometimes had in getting records from the City of Perth relating to the present Town, how would we ensure that this does not become a problem with the acquisition of territory from Perth and Stirling? Are the information systems of Perth and Stirling compatible with those of Vincent or is there a cost (not to mention risk) associated with transferring information from one local government to another?*

CEO's Comment:

The matter of records transfer has not been raised at this stage. Should the Town's proposal be approved, it will be a matter to be resolved. As the proposal area is not intensive, it may be possible to photocopy relevant property records.

It is proposed to raise this matter at the appropriate time.

Cr Lake - Questions and Comments:

"I was surprised that page 11 of the previous report stated that the Ministry of Education districts are administrative and of little relevance. I would have thought the catchment areas around primary schools are an important indicator of a common community. Perhaps the report should state that in these particular cases, the MoE districts are not a significant factor as the proposed areas are small in size?"

CEO's Comment:

This clause has been amended to read as follows;

"(c) Ministry of Education Districts:

The districts of the Ministry of Education are an administrative structure only and do not affect the Local Government boundary. As an indicator of community of interest, children in the vicinity of schools generally attend the local school (as is the case of the Mount Hawthorn Primary School) and therefore there is a stronger community of interest, which would support the Town's proposal."

Please review the demographic data presented on page 12 of the previous report for relevance and completeness.

Also if the average household size of the two areas of Glendalough is 2, then the average size for both areas together is still 2.

CEO's Comment:

This has been amended to show 2.

Page 6 of the previous report states the Town of Vincent encompasses parts of Northbridge. I don't agree with that statement as I have discussed with you before. The northern boundary of Northbridge is Newcastle St. The southern boundary of Vincent is Newcastle St. Vincent abuts Northbridge. Even the recent extension of Northbridge to include the Perth Cultural Centre does not affect this."

CEO's Comment:

All reference to "Northbridge" being a part of the Town has been deleted.

Q1. I consider that a stronger case needs to be made stating the benefit(s) to the Town of Vincent (ie existing residents of the Town of Vincent) of the proposed changes?

CEO's Comment:

See previous comments.

Q2. Please address the planning implications. Identify any significant differences currently and explain how the Vincent TPS will be phased in for these areas (taking into account that the Vincent TPS is currently under review).

CEO's Comment:

The planning implications have been thoroughly detailed as shown in Clause 3.8.1.

Q3. Please identify all assets under Council responsibility and identify current state, likely future maintenance (ie roads, parks, bores, drainage etc).

CEO's Comment:

The area of Glendalough does not have any public parks, buildings or assets of any significance.

The area of Perth contains three (3) small parks. One park has a small toilet building (Weld Square). There are no other assets of any significance. See Clause 3.8.1 of the report.

Cr Maier - Questions and Comments:

"I think there are two issues to be addressed. The report to Council recommending the proposal, and the report to the Local Government Advisory Board.

The report to Council needs to clearly show the benefit to Vincent community in pursuing the boundary realignments. I suspect that the main benefits will be in the financial area. The report should also state the arguments to be presented to the residents in the areas to be absorbed. I suspect that these will be along the lines of community of interest and better service.

The report to the Advisory Board needs to follow their guidelines and needs to expand on the benefits for the new areas. It probably will not need to include some of the financial justification provided to Council."

Q1. Report to Council

This should provide the justification for the changes from the perspective of the Vincent community. I would expect that it may contain some information that we may not want to be made public in the first instance (eg the financial benefits of the land adjacent to the power station site). I would also expect that it would contain arguments for and against, both from the perspective of the existing Vincent community as well as the communities that we hope to absorb.

CEO's Comment:

See details shown in the report under "Executive Summary".

Q2. Finance:

I would expect to see a greater analysis of the likely income and expenditure. I would also expect see this analysis extend over an extended timeframe...

CEO's Comment:

The financial implications are covered in Clause 3.4 "Economic Factors - rates". Further details are shown in Clause 3.8.1. A summary is shown in Clause 3.8.1.

Q3. *Income:*

The report states that rates of approximately \$152,000 will be received. This is based on the 'average GRV' of \$10,440. This is the Town's average. We should be trying to determine what the Glendalough average is. Would it be as high as the Vincent average? If this can't easily be determined then the report should state this.

CEO's Comment:

Information about the rates for both areas is shown in Clause 3.4 "Economic Factors". Specific information about the Glendalough rates is difficult to determine, at this stage.

Should the Town's proposal be approved, precise information will be obtained and a thorough examination will be carried out.

Q4. *Expenditure:*

I have difficulty in accepting that all of the rates income will simply be used to provide services. When discussing economies of scale we need to identify fixed costs and variable costs. I would expect that the absorption of the 176 lots in Glendalough would have some impacts on the variable costs but not much on the fixed costs.

At a very minimum we should see a list of likely expenditure on assets.

CEO's Comment:

See previous comments for Q2. and Q3.

Q5. *Benefits to the Vincent Community:*

Apart from the financial benefits the report should identify the benefits to the existing Vincent community, if any. I can't think of many obvious benefits. One possible argument for the City of Perth area adjacent to the power station is the greater influence we would have on the outcome and therefore the greater chance of an outcome that addresses the concerns of people in the immediate area (ie Riverside locality).

CEO's Comment:

The benefits to the Vincent Community are shown in the report under "Executive Summary" - "Benefits to the Town of Vincent".

Q6. *Benefits to areas that will be absorbed:*

This needs to spell out the arguments that we can use to persuade residents of the benefits of joining Vincent. I think that it needs to be clearly spelt out. I think that statements like 'a more personal service' don't say very much.

In reality the Glendalough residents will probably jump at the opportunity simply because the suburb name may change.

The case for the City of Perth areas will be more difficult to explain but this should be attempted.

CEO's Comment:

The benefits from the proposal are shown in the report under "Executive Summary" - "Benefits to the Ratepayers and Residents of the Affected Area".

The CEO is aware that several residents have commenced a petition in favour of moving Glendalough to Vincent. At the time of writing this report, approximately fifty (50) residents have signed (only six (6) have refused to sign).

Q7. Report to the Advisory Board

I think that the existing report does not mount a strong argument.

The strongest reason in the report is under 'Physical and Topographical Features' (ie the Freeway boundaries). I don't think that this is sufficient.

A stronger case needs to be made based on communities of interest. I think this is the key. The other areas such as 'Demographic Trends' are not really relevant in this case so what has been provided so far is sufficient.

A possible argument for the area between Loftus and Charles is that it is more closely linked to the Leederville Town Centre than any other town centre. The area between Lindsay and Lord is similar in nature to the residential area its north and differs markedly to the more industrial area to the south.

A similar argument could also be used for the area to the east of Lord Street. I think that this part of the report needs more work.

CEO's Comment:

The Town's report addresses all the criteria, which is required by the Local Government Advisory Board. It is considered that the reports provide a logical and sound basis for the Town's proposal to be approved.

Factors such as the political view of the State Government and the views of the ratepayers and residents of the affected area are matters outside the control of the Town and will be significant in the Advisory Board's determination of the final decision.

It is considered that the "Community of Interest" criteria (Clause 3.1) does present a strong case, particularly for Glendalough and for the Power Station site of the Perth area. Further information has been included in the report concerning the impact on the amenity of the areas, particularly the Banks Precinct.

"Demographics" is a Board criteria for assessment and is required to be included.

"In summary:

- The case for Council needs to be beefed up, particularly the financial benefits and costs.*
- The benefits to the Vincent community and the 'absorbed' communities needs to be more clearly explained.*
- The report to the Board needs to have a stronger argument based on communities of interest."*

CONSULTATION/ADVERTISING:

Not applicable - this may be carried out by the Local Government Advisory Board.

LEGAL/POLICY:

Local Government Act 1995:

Schedule 2.1 - Provisions about creating, changing the boundaries of, and abolishing Districts:

"2.(1) a proposal may be made to the Advisory Board by -

- (a) the Minister'*
- (b) an affected local government;*

- (c) 2 or more affected local governments, jointly; or
 - (d) affected electors who -
 - (i) are at least 250 in number; or
 - (ii) are at least 10% of the total number of affected electors.
- 2.(2) a proposal is to -
- (a) set out clearly the nature of the proposal, the reasons for the proposal, and the effects of the proposal on local governments;
 - (b) be accompanied by a plan illustrating any proposed changes to the boundaries of a district; ...
 - (c) comply with any regulations about proposals.
- 3.(1) The Advisory Board is to consider any proposal.
- 3.(2) The Advisory Board may, in a written report to the Minister, recommend* that the Minister reject a proposal if, in the Board's opinion -
- (a) the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or
 - (b) the proposal is frivolous or otherwise not in the interests of good government.
- * Absolute majority required.
- 3.(3) If, in the Advisory Board's opinion, the proposal is -
- (a) one of a minor nature; and
 - (b) not one about which public submissions need be invited,
- the Board may, in a written report to the Minister, recommend* that the Minister reject the proposal or that an order be made in accordance with the proposal.
- * Absolute majority required.
- 3.(4) Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal."
- * An "affected local government" means a local government directly affected by a proposal.

Dealing with the Proposal

This proposal is considered to be one of a minor nature, in accordance with Clause 3(3) of Schedule 2.1 of the Local Government Act 1995, as it involves an area of approximately 27.3 hectares, 176 lots and 662 residents within the City of Stirling and an area of approximately 49 hectares, 282 lots and approximately 50 residents in the City of Perth.

Accordingly, the Town should request the Local Government Advisory Board to deal with the Town's proposal in this manner.

STRATEGIC IMPLICATIONS:

This proposal re-aligns its southern boundary and a small area in its north-west area, where it adjoins the City of Stirling. The most important aspect being that it will transfer the old power station site to the Town. The future redevelopment of this site will have important implications for the Town and particularly the Banks Precinct.

FINANCIAL/BUDGET IMPLICATIONS:

This proposal has been prepared by the Chief Executive Officer (mostly in his own personal time) with input from the Executive Managers. No additional employees or resources will be required by the Town, if this proposal is approved.

The indicative time spent to date has been as follows;

Time Spent to Date	Hours
CEO's initial research	10
CEO's report preparation	10
CEO's further research	10
Administration input	20
Administrative support	10
Total	60 hours

As the areas under the proposal are not significant, the involvement of the Town will most likely be limited to the Mayor and CEO making a presentation to the Local Government Advisory Board to explain any matters in the Town's submission. Attendance at any public forums may also be requested. It is not envisaged that a public relations campaign will be carried out, as occurred in the Town's previous proposal in 1998. The total time required in the future will be an additional 10 hours, however this is an estimate only.

COMMENTS:

The Town's final report has been substantially expanded to include information requested by the Council. It now contains comprehensive information for most criteria in the report.

It also now includes in the "Executive Summary", the benefits to the residents in the affected area and also to the Town.

The Cities of Perth and Stirling have both written to the Town's Mayor expressing their dissatisfaction with the Town's proposal. They have requested that the Town's Mayor meet with the Mayor of the City of Stirling and the Lord Mayor of Perth. The Mayor and CEO met with the Mayor, CEO and Deputy CEO of the City of Stirling on Wednesday 5 October 2005. This meeting was conducted in a cordial manner. Stirling advised that their Council is yet to determine its position on the proposal. It would appear that the prime reason for the meeting was to ascertain whether the Town proposed to consider the suburbs of Mount Lawley, Menora and Coolbinia to be included into the Town.

The meeting with the City of Perth is currently being arranged.

Notwithstanding the dissatisfaction of Perth and Stirling, as previously reported, this is the normal reaction which would follow from such a submission.

On 4 October 2005, the Minister for Local Government issued a media statement, urging the need for structural reform and efficiencies in local government. The Western Australian Local Government Association has issued a media statement that it welcomes the Minister's position.

Copies of the media statements and an article from "The West Australian" are attached.

The Local Government Advisory Board has a statutory obligation to consider the proposal and to recommend to the Minister for Local Government and Regional Development. They may also hold public forums to gauge the public reaction. These matters are conducted by the Local Government Advisory Board and they may seek input from the Town.

Accordingly, the Council's approval of the final report is recommended.

At 10.2.4 pm Moved Cr Farrell, Seconded Cr Torre

That an "open" meeting be resumed.

CARRIED (9-0)

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.25pm with the following persons 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
Cr Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Stella Garreffa	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 11 October 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005