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(13 SEPTEMBER 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 13 September 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:

Cr Maddalena Torre – for work reasons.

(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
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
Mark Fletcher	Journalist – The Perth Voice (until 10pm)
Dan Hatch	Journalist – Guardian Express (until 8pm)

Approximately 29 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Colin Thierry of 52 Hobart Street, North Perth – Item 10.3.4 – Congratulated the Council on reaching this point and urged them to approve the website funding. Stated that if the website is successful in North Perth, then other precinct groups will be able to take part.

Cr Chester departed the chamber at 6.06pm.

2. Michael Jenkin of 102 Coogee Street, Mt Hawthorn – Item 10.1.6 – Stated that the school is hoping to build a resource centre and as a part of Mt Hawthorn for almost 100 years, urges the Council to approve the application as they have supported the school in the past. Stated that building is designed in harmony with surroundings and is a worthy addition to the streetscape.

Cr Chester returned to the chamber at 6.07pm.

3. Betty Kraemer of 45 Redfern Street, North Perth. Acknowledged and thanked the Council and staff of Vincent for their wonderful Seniors Program, in particular, the Spring Into Life Program – giving Seniors the opportunity to try things they have never done. She once again, sincerely thanked the Town.

Received with acclamation.

4. Clifford Smith of 131 Anzac Road, Mt Hawthorn – Item 10.1.16 – Stated that he had previously distributed a letter to the Councillors regarding the Item. Mentioned that in the 12 years he has lived in the area, that he and his family have experienced vandalism and damage to their vehicles and property and he would like to construct this garage for a bit more protection.
5. Alistair Putt of 112 Egina Street, Mt Hawthorn – Item 10.1.6 – Wanted to bring to the attention of the Council, the unsafe conditions in some areas of the Mt Hawthorn Primary School. Requested the Council's approval of this Item.
6. Martin Parkinson of 8/572 Newcastle Street, West Perth – Item 10.1.11 – Stated that his client had requested a three-storey house and he does not believe that this can be achieved with the height allowed. Also stated that he believes the design height is sympathetic to neighbouring properties as there are larger more dominating houses on the street.
7. Rita Saddick of 4 Sebina Street, Menora – Item 10.1.15 – Stated that they she had employed the services of an experienced engineer to assess the feasibility of repairing the derelict building at 116 Broome Street. The engineer came to the conclusion that the house was beyond repair and only rebuilding would be safe. Stated that she also got a second opinion that came to the same conclusion. The Heritage Council also agreed with these assessments yet Mr Griffiths has given a completely opposite assessment without actually entering the building, flying in the face of two respected engineers and the Heritage Council itself. Stated that she would consider it ridiculous if the Council issued a work order against a building that can clearly not be saved. Urged the Council to approve the application for demolition.
8. Martin Morgan of 514 Fitzgerald Street – Item 10.1.7 – Stated that they tried to follow the Council's advice in that neighbours should talk and agree on developments to avoid future disputes. Stated that he trusted the Town to act according to its own policies which it did not. Believes the Town may have acted illegally. Requests the Council not to approve a retrospective application that does not meet requirements. Stated that a letter had been circulated to Elected Members outlining the difference in the plans approved in August and the building that stands. Requested that the Council issue a Correction Amendments Order.
9. Warren McGrath of 32 Randell Street, Perth - presented the Mayor with a cheque from the Claisebrook Catchment Group to be awarded to the winner of the 'Catchment Friendly Garden' section of the Garden Awards 2005.

Received with acclamation.

10. Colin Cafarelli - Item 10.1.3 – Not happy with the Council's possible amendment of the height of the building, but will accept their decision if necessary. Urged them to keep the height at 64 courses.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.26pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 Petition received from Grant McIntyre and Corinne Gepp with 18 signatories requesting the return of the Friday 5.30pm Circuit Class at Beatty Park Leisure Centre.

The Chief Executive Officer recommended that the matter be referred to the Executive Manager Corporate Services for investigation and report.

Moved Cr Farrell, Seconded Cr Chester

That the petition be received.

CARRIED (8-0)

(Cr Torre was an apology.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 23 August 2005

Moved Cr Farrell, Seconded Cr Lake

That the Minutes of the Ordinary Meeting of Council held on 23 August 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre was an apology.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- 7.1 Mayor Catania thanked Betty Kraemer for her words of appreciation about the Town's Seniors Program and stated that it is most pleasant to receive positive comments.

- 7.2 Mayor Catania informed the meeting that he had circulated an email to Councillors stating that he intends to have time management procedures for meetings, as meeting times have substantially increased over the last 12 months. He also stated that he had enquired with other Elected Members on their methods and techniques on this proposal, to ascertain whether they were suitable for introduction to the Town of Vincent.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.4.2 – Proposed Amendment to Policy 4.2.7 – Elected Member Allowances, Fees and Reimbursement of Expenses – Mayor’s Vehicle. The extent of his interest being that as Mayor he may receive a benefit if the policy is amended as it relates to the Mayor’s Vehicle Lease Contract.

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 10.3.4, 10.1.6, 10.1.16, 10.1.1, 10.1.15, 10.1.7 and 10.1.3

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:**

Items 10.3.3, 10.4.1, 10.4.2, 10.4.3, 10.4.4, 10.4.5, 10.4.6 and 10.4.7

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 10.4.12
Cr Chester	Items 10.1.4, 10.1.10, 10.1.11 and 10.4.9
Cr Ker	Items 10.1.5, 10.1.8 and 10.1.14
Cr Doran-Wu	Items 10.1.12, 10.2.4, 10.3.9 and 10.4.8
Cr Lake	Items 10.2.1
Cr Messina	Nil
Cr Maier	Items 10.3.1 and 10.4.10
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:**

Item 10.4.2

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

Items 10.1.2, 10.1.9, 10.1.13, 10.1.17, 10.1.18, 10.1.19, 10.2.2, 10.2.3, 10.2.5, 10.3.2, 10.3.5, 10.3.6, 10.3.7, 10.3.8 and 10.4.11

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

Items 10.4.12, 10.4.13 and 10.4.14

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 10.1.2, 10.1.9, 10.1.13, 10.1.17, 10.1.18, 10.1.19, 10.2.2, 10.2.3, 10.2.5, 10.3.2, 10.3.5, 10.3.6, 10.3.7, 10.3.8 and 10.4.11

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

Items 10.3.4, 10.1.6, 10.1.16, 10.1.1, 10.1.15, 10.1.7 and 10.1.3

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

Moved Cr Farrell, Seconded Cr Ker

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.1.9, 10.1.13, 10.1.17, 10.1.18, 10.1.19, 10.2.2, 10.2.3, 10.2.5, 10.3.2, 10.3.5, 10.3.6, 10.3.7, 10.3.8 and 10.4.11

CARRIED (8-0)

(Cr Torre was an apology.)

10.1.2 No. 133 (Lot 67 D/P: 2503) Fairfield Street (Corner Green Street), Mount Hawthorn - Proposed Two-Storey Single House to Existing Single House

Ward:	North	Date:	5 September 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3232; 5.2005.3032.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by APG Homes on behalf of the owner T Tuite & A Evans for proposed Two-Storey Single House to Existing Single House, at No. 133 (Lot 67 D/P: 2503) Fairfield Street (corner Green Street), Mount Hawthorn, and as shown on plans stamp-dated 27 June 2005 and 12 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) any new street/front wall, fence and gate between the Fairfield Street and Green Street boundaries and the main building, including along the side boundaries within these front setback areas, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion 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, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion between the existing dwelling site and the Green Street boundary from the truncation 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*
- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Green Street and Fairfield Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

Landowner:	T Tuite & A Evans
Applicant:	APG Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	615 square metres
Access to Right of Way	West side, 5 metres wide, unsealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of an additional two storey house to rear of the existing house. Access to the proposed house is to be off Green Street with vehicle access obtained off the right of way.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 30	2 dwellings R30	Supported - meets the minimum and average lot size requirements of the Residential Design Codes.
Plot Ratio	N/A	N/A	N/A
Setbacks: North (Green Street) - first floor	6 metres	2.9 - 3.09 metres	Supported - in line with existing house side setback and behind front setback of adjoining property (rear two-storey dwelling to corner Flinders and Green Streets)
- balcony	3 metres	1.91 metres	Supported - in keeping with existing street line
South	1.5 metres	Nil to 1.58 metres	Supported - compliant with Building on Boundary requirements of the Residential Design Codes
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

The proposal was advertised for 14 days in which time no written submissions were received. The variations sought by the applicant are supportable and do not have any 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.

10.1.9 No. 13 (Lot 28 D/P: 2861) Chelmsford Road, Mount Lawley - Proposed Alterations, Additions and Patio to Existing Single House – (Application for Retrospective Approval)

Ward:	South	Date:	5 September 2005
Precinct:	Norfolk; P10	File Ref:	PRO3283 5.2005.3143.1
Attachments:	001		
Reporting Officer(s):	K Loader		
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 owners M A Nelligan & S J Nicholas for proposed Alterations, Additions and Patio to Existing Single House (Application for Retrospective Approval) at No. 13 (Lot 28 D/P: 2861) Chelmsford Road, Mount Lawley, and as shown on plans stamp-dated 29 August 2005, subject to:

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

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

Landowner:	M A Nelligan & S J Nicholas
Applicant:	M A Nelligan & S J Nicholas
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	Rear / southern side, 5 metres wide, sealed, Town owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The application involves alterations, additions and patio to existing single house (application for retrospective approval) at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: - East	1.5 metres	1 metre	Supported- minor variation, setback maintains existing building line and no undue impact on adjoining neighbour.
Consultation Submissions			
The applicant has obtained signatures from affected adjoining landowners, indicating no objections to the proposal.			

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

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

COMMENTS:

The variation sought by the applicant is considered to be minor, not to have an undue impact on the adjoining neighbours or the surrounding area and is considered supportable. The planning application is therefore recommended for approval, subject to standard conditions.

10.1.13 Unit 3a / Nos. 347-349 (Lot 2 D/P: 15254) William Street, Corner Forbes Road, Perth - Change of Use from Shop to Consulting Room (Herbalist Services) (Application For Retrospective Approval)

Ward:	South	Date:	2 September 2005
Precinct:	Beaufort; P13	File Ref:	PRO1344; 5.2005.2807.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S H Huang on behalf of the owner Unison Pty Ltd for Proposed Change of Use from Shop to Consulting Room (Herbalist Services) (Application for Retrospective Approval), at Unit 3a / Nos. 347-349 (Lot 2 D/P: 15254) William Street, corner Forbes Road, Perth, and as shown on plans stamp-dated 6 April 2005, subject to:

- (i) a maximum of one (1) consulting room and a maximum of one (1) consultant/practitioner are permitted to operate from the subject premises at any one time;*
- (ii) doors and windows and adjacent floor areas fronting Forbes Road and William Street shall maintain an active and interactive relationship with these streets;*
- (iii) the hours of operation shall be restricted to 10am to 6pm, Monday to Sunday, inclusive, except closed on Wednesdays;*
- (iv) all signage shall be subject to a separate Sign Licence application being submitted and approved;*
- (v) this approval for a consulting room is for herbalist services only, and any change of use from consulting rooms (Herbalist Services) shall require Planning Approval to be applied to and obtained from the Town prior to commencement of such use; and*
- (vi) all activities at the premises shall be in compliance with the Town's requirements relating to consulting rooms, and no activity of a non-medical nature, such as prostitution, brothel business, agency business associated with prostitution, escort agency business, massage business and the like, shall occur at the premises.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

Landowner:	Unison Pty Ltd
Applicant:	Sui Hua Huang
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop, Eating House, Showroom and Light Industry
Use Class:	Shop, Eating House, Showroom, Light Industry and Consulting Rooms
Use Classification:	"P", "P", "P", "SA" and "AA "
Lot Area:	Unit 3a - 47 square metres; Total Site Area - 2408 square metres
Access to Right of Way	N/A

BACKGROUND:

6 December 1999 Council at its Ordinary Meeting resolved to conditionally approve proposed change of use from showroom to shop for Unit 4 Nos. 347 - 349 William Street, corner Forbes Road, Perth (Unit 4 is located along the Forbes Road frontage).

29 May 2001 The Town, under delegated authority, conditionally approved change of use from shop to eating house and associated alterations for Shop 3 Nos. 347 - 349 William Street, corner Forbes Road, Perth (Shop 3 is located along the William Street frontage).

11 June 2002 Council at its Ordinary Meeting resolved to conditionally approve proposed additions and alterations to existing eating house, including increased public area, for Shop 3 Nos. 347 - 349 William Street, corner Forbes Road, Perth (Shop 3 is located along the William Street frontage).

9 July 2002 Council at its Ordinary Meeting resolved to conditionally approve proposed additions and alterations to existing eating house, including increased public area, for Shop 3 Nos. 347 - 349 William Street, corner Forbes Road, Perth (Shop 3 is located along the William Street frontage).

DETAILS:

The application involves change of use from shop to consulting room (Herbalist) for Unit 3a / Nos. 347-349 William Street, Perth, along the Forbes Road frontage. The application is for retrospective Planning Approval.

The consulting room (Herbalist) use involves consultation by clients who seek traditional Chinese natural therapy including Chinese medicine, acupuncture, cupping, moxa and massage. It is noted that only one practitioner is operating and one consulting room is located on site.

The hours of operation are 10am to 6pm, Monday to Sunday, inclusive, except closed on Wednesday.

The signage on site includes window signage and an "A" frame ground based sign. The window signs are transparent in appearance, do not cover more than 50 per cent of the window and are therefore compliant with the Town's Signs and Advertising and Minor Nature Development Policy, and does not required Planning Approval. It is noted the "A" frame ground based sign is also compliant with the abovementioned Policies.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number)			119 car bays
<ul style="list-style-type: none"> • Existing shops - Shops 2 and 4 William Street frontage (395 square metres) - 26.33 car bays. • Existing showrooms - Units 1, 2 and 3 Forbes Road frontage (141 square metres) - 3 car bays • Existing eating houses - Shops 1, 3 and 5 William Street frontage (379 square metres) - 84.22 car bays • Existing light industry (Dry Cleaners) - Shop 5 Forbes Road frontage (47 square metres) - 2.35 car bays • Proposed consulting rooms (Herbalist) (1 room) - Unit 3a - 3 car bays 			
Apply the adjustment factors			(0.578)
<ul style="list-style-type: none"> ▪ 0.80 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 			68.78 car bays
Minus car parking on-site			39 car bays
Minus the most recently approved on-site parking shortfall, as at Council's Ordinary Meeting held on 9 July 2002.			74 car bays
Resultant surplus			44.22 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 application was advertised and no written submissions were received during this period.

The Town's Officers note that similar planning applications have, in the past, included a condition of approval for a temporary (12 month) approval period. In light of the recent State Administrative Tribunal's decision in the case of Leslie Vs Town of Vincent (RD 419 of 2005) relating to proposed consulting rooms (Optometric Services) at Unit 2/No. 643 Newcastle Street, Leederville, and the limited scale and nature of the proposed use, the Town's Officers consider the recommended conditions will sufficiently control the usage of the property.

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

10.1.17 Amendment No. 27 to Planning and Building Policies – Appendix No.12 – Design Guidelines for Elven on the Park

Ward:	South	Date:	7 September 2005
Precinct:	Fletcher; P13	File Ref:	PLA0160
Attachments:	001		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Appendix No.12 – Design Guidelines for Elven on the Park, as shown in Attachment 10.1.17, resulting from the advertised version having been reviewed and regard to the one written submission receiving during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy relating to Appendix No.12 – Design Guidelines for Elven on the Park, as shown in Attachments 10.1.17; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Appendix No.12 – Design Guidelines for Elven on the Park as shown in Attachment 10.1.17, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final amended version of the Policy relating to Appendix No.12 – Design Guidelines for Elven on the Park, and seek final adoption.

BACKGROUND:

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

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

“That the Council;

- (i) RECEIVES the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, as shown in the Attachment;*
- (ii) ADOPTS the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, to be applied in the interim during the advertising period and up to formal adoption of the draft Policy;*
- (iii) ADVERTISES the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) after the expiry of the period for submissions:*
 - (a) REVIEWS the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, having regard to any written submissions; and*
 - (b) DETERMINES the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, with or without amendment, to or not to proceed with them; and*
- (v) AMENDS the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, as shown in the Attachment, by amending the following, prior to clauses (i), (ii) and (iii) above being actioned:*

“5) f) Height

The height of dwellings is to be sympathetic ~~to~~ with the surrounding area and is to be a maximum of two storeys with a third habitable level permitted within the roofspace; and, that is, a loft or mezzanine level.

The loft or mezzanine level is to comply with the following:

- the total floor area of the loft or mezzanine level does not exceed 40 per cent of the total floor area of the uppermost floor of the dwelling; and*
- minimum floor to ceiling height is 2.1 metres.*

The corresponding building height is to be in accordance with the Residential Design Codes and the Town of Vincent Policy(ies) relating Residential Design Elements.

A loft will only be permitted within the roof space, and the roof space will not be extended by means of extending wall heights above the floor level or dormer windows to provide extra ceiling height within the loft.”

CONSULTATION/ADVERTISING:

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

Advertising of the draft amended Policy concluded on 23 August 2005. One submission was received during the comment period from the Smith's Lake Precinct Group stating the following:

"We wish to make one comment in relation to d) Fencing/Walls on p.7 and the requirements for northern and eastern boundaries facing Smith's Lake. We are concerned about the provision for visually permeable fencing requiring continuous vertical gaps occupying 50 per cent or more of its face for any portion above 0.9metres. For the eastern boundary, this fence will be sitting on a retaining wall of about 1 metre height. This visually permeable provision would reduce the privacy while giving due consideration to the possible adverse appearance of high blank walls when viewed from Smith's Lake. On the other hand, there is merit in residents being able to look over Smith's Lake for general security and safety reasons. We think this provision needs revision to find a better balance between these three features."

Officer Comments

There are no retaining walls proposed for either the eastern or northern boundary of the subdivision. The only retaining wall on site is located on the southern boundary, measuring a maximum height of 0.9 metre. To clarify the confusion in the Design Guidelines relating to Fencing and Walls, the wording has been amended to better define the fencing height requirements for the development, in the following manner:

- Insertion of 'Emmerson Street' into the preamble relating to Fencing and Walls, so to better define all relevant boundaries, including the southern boundary which abuts Emmerson Street;
- Reference to 'the top of the existing retaining wall' for measuring the fence height being removed and replaced with reference to 'the natural ground level of the adjacent reserve or footpath'; and
- Inclusion of an additional clause to allow vegetation screening for the purpose of addressing privacy concerns, raised by the Smiths Lake Precinct Group.

The 0.9 metre maximum height requirement for the solid portion of wall is considered appropriate, so to enable visual permeability and consequently passive surveillance from and to the Reserve, consistent with the Designing Out Crime principles.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

10.1.18 New Food Bill for Western Australia – Background Paper Report

Ward:	Both	Date:	29 August 2005
Precinct:	All	File Ref:	ENS0017
Attachments:	-		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the New Food Bill for Western Australia;*
- (ii) *ADVISES the Honourable Minister for Health Mr Jim McGinty, Acting Director General of Department of Health Dr Neale Fong and the Western Australian Local Government Association (WALGA) that the Town SUPPORTS IN PRINCIPLE the intention to modernise State food legislation and the rationale outlined for reform;*
- (iii) *AUTHORISES the Executive Manager Environmental and Development Services and Manager Health Services to participate in consultation sessions and working groups through WALGA, the Australian Institute of Environmental Health and relevant professional bodies to assist in bringing this matter to fruition; and*
- (iv) *REQUESTS the Chief Executive Officer to submit progress reports.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the release of the Background Paper on the proposed Food Bill for Western Australia to replace the outdated existing Part VIII of the Health Act 1911.

BACKGROUND:

The Western Australian Local Government Association (WALGA) has been advised by the Minister for Health that due to previous, extensive consultation with Local Government, and the belief that much of the content of the Bill will reflect input from early discussions, coupled with the tight time frame for introduction of the Food Bill, that he will undertake targeted consultation. Only peak organisations such as WALGA will receive an opportunity to have final input into the Bill prior to its introduction to Parliament.

Western Australia's current food legislation is out of date, out of step with other Australian States and Territories and needs to be repealed. WALGA has been advised by the Minister for Health that he intends to introduce the new Food Bill into the 2005 Spring Session of Parliament.

In 1998, the Blair Review of Food Regulation highlighted the need for nationally consistent food legislation. In 2002, all States and Territories signed an Inter-Governmental Agreement to introduce a new food regulatory system for Australia and agreed to introduce to their respective Parliaments the model food provisions contained in the annexes of the Inter-Governmental Agreement.

A new Food Bill will create offences relating to improper storage, handling, transportation and sale of food, provide defences to offences, detail emergency powers and create a registration scheme for food businesses. Once enacted, the Act will require the development of administrative regulations for the purpose of prescribing specific requirements, fees or forms to be applied.

DETAILS:

In February 2003, the Food Legislation Working Group (FLWG), comprised of representatives from Local Government and WALGA, the Department of Health, Government of Western Australia (DoH), business and industry, developed twenty four (24) discussion papers seeking feedback from Councils on the non-core provisions. These papers are not available electronically. Hard copies are available at WALGA.

Thirty Six (36) Councils responded to the Discussion Papers representing 24% of all responses received by the Department of Health. Local Governments concerns centred on the following matters:

- notification of food businesses;
- required number of assessments per year per food businesses;
- registration of food businesses;
- food business registration fees; and
- handling of food for sale in residential premises.

The FLWG put forward a number of recommendations for the adoption of food legislation. WALGA recommends the endorsement of the majority of recommendations. However, there are concerns with the recommendations relating to fees and charges and infringement notices.

The WALGA position is supported in relation to the following items:

1. FLWG Recommendations supported

WALGA and the Town's Officers recommend endorsement of the following recommendations of the FLWG:

1.1 Local Health Laws

That the Local Health Laws, in the Town's case the *Town of Vincent Health (Eating House) Local Law 2004*, are repealed simultaneously throughout the State. This to be arranged and actioned by the DoH. The Town's previous Health Local Law 1997 was split into two parts in 2004 to facilitate a repeal of the Eating House clauses by the DoH upon adoption of the Food Act.

1.2 Temporary Food Business

Recommended that guidelines be developed.

1.3 DOH's role in the food legislation

A supportive and educative role is maintained by the DoH during the introduction of the new legislation.

1.4 Non-food preparation business

Non-food preparation businesses should be classified based on the Food Standards Australia New Zealand (FSANZ) agreement.

1.5 Notification of food businesses

Notification to be based on the Safety Food Australia form (in place in other Australian States).

1.6 Number of Assessments of food businesses

- Very Low Risk – once a year;
- Low Risk – once a year;
- Medium Risk – twice a year; and
- High Risk – 4 times a year.

1.7 Registration of food businesses

All food businesses should register with the relevant enforcement agency.

1.8 Design and construction of kitchens

- That the *Australian Food Safety Standard (FSS) 3.2.3* adequately covers the requirements for food premises and does not require additional legislation, such as Schedule 4 of the *Health (Food Hygiene) Regulations*.
- That the minimum definitive area for food preparation not be denied as it does not take into consideration food handling activities occurring in the wide variety of food premises, but as a guide a minimum of 25% of floor area be adopted with the onus of responsibility on the proponent to demonstrate that a lesser amount is adequate and effective.

1.9 Design and construction of cool rooms

- That the FSS adequately provides for temperature control of food and structure of cool rooms.
- Additional temperature control devices are not required to protect the food.

1.10 Design and construction of mechanical ventilation

The FSS 3.2.3 provides for the use of mechanical ventilation systems. The *Health (Food Hygiene) Regulations* call up *Australian Standards (AS) 1668.2 of 2002* for the structural provision of mechanical ventilation exhaust equipment to ensure the effective removal of smoke, steam, fumes and other vapours.

1.11 Design and construction of staff toilets

The Building Code of Australia (BCA) standard for staff toilets to be accepted as the minimum ratio for food premises;

- Patron toilets to be provided in addition; and
- Cleaning of toilets to form part of the food business cleaning and management plan.

1.12 Australian standards for cleaning and sanitation

The Food Safety Standards 3.2.2 adequately covers cleaning and sanitising requirements.

1.13 Prohibition on using certain material and packaging

That the Food Safety Standard 3.2.2 adequately covers the safety and protection of food, therefore, there is no need to call up the 1986 British Standards.

1.14 Power of the Executive Director of Public Health (EDPH - DoH) to exclude a person from working

Develop administrative regulations to be included in the proposed Food Regulation based on the current Clause 29 of the Health (*Food Hygiene*) Regulations 1993.

1.15 Denaturing of waste liquors

The FSS 3.2.2 adequately covers the disposal of waste liquor.

1.16 Protection from incidental contamination

The FSS covers the safety and protection of food without the need to address specific occasions of potential incidental contamination in the Regulations. Do not retain Regulation 19 of the *Health (Food Hygiene) Regulations 1993* in the proposed Food Regulations as the elements of the regulation are called up in the standard.

1.17 Food Transport vehicles and mobile food premises

The Food Safety Standards adequately provide the requirements for food transport vehicles and mobile food premises (food vehicles).

1.18 Handling etcetera of food for sale in residential premises

No Recommendation developed: Department of Health to undertake further work in this regard.

1.19 Pathogen Notifications

That the *Health (Food Hygiene) Regulations 1993*, Regulation 44 be adopted as an administrative regulation.

1.20 Corrective Action

- That the Offences be retained and called up in the proposed infringement notice;
- The term enforcement notice to be used instead of penalty notice; and
- The penalty for an infringement notice (\$550) to be retained as a maximum penalty however, consideration should be given if possible, to a sliding scale of penalties.

1.21 Uniform assessment standards and processes

That this matter be held over until the project is completed and the requirement of assessment is addressed.

1.22 Number of audits of food business

- That this matter be held over until Food Safety Plans are introduced/required and auditing of the plans become necessary.
- That the audit frequency of a food business be consistent with national guidelines and requirements of Food Standard 3.2.1 concerning Food Safety Plans.

2. FLWG Recommendations NOT supported

WALGA does NOT recommend the endorsement of the following recommendations of the FLWG:

2.1 Food Business Registration Fees

The FLWG recommends that the State is to charge fees for food premises under State jurisdiction by scheduling the following amounts:

- High risk food businesses \$275;
- Medium risk businesses \$165;
- Low risk food businesses \$110;
- Very low risk food businesses \$0.

WALGA Comment

Similar to the existing situation with Local Health Laws, it is more appropriate not to prescribe a maximum fee at State level but to leave it to respective Local Governments to fix whatever level of fee that they can justify under the Local Government Act after advertising for local community comment (during annual budgetary process). Section 6.16 of the Act provides adequate controls to ensure that the fee setting is appropriate. Fees set by State Regulation were not automatically indexed the Consumer Price Index (CPI), while Local Government is expected to provide food control services. In the past, the fees have not kept pace with inflation and relevant service cost escalations.

Fees have nothing to do with public health. They are related to the cost of administration. There is inconsistency across the State in Local Government administration costs, in particular the cost of providing services in rural and remote areas. The flat fee of an Authorised Officer undertaking one hour of work at \$25 to drive, access and write up a report, telephone calls etcetera to arrange the assessment and \$30 for administration, transport and consumables does not provide an adequate cost recovery for Councils. It does not include other activities Councils may undertake including training, customer services, etcetera.

WALGA Recommendation

That the application is to be accompanied by the fee imposed by the Local Government under Sections 6.16 and 6.17 of the Local Government Act 1995 as it better reflects local cost structures.

Comment by Officers:

This WALGA recommendation is strongly supported.

3. Stakeholder comment/issues that the FLWG felt required further consideration

WALGA recommends endorsement of the following recommendations:

- 3.1 A workshop to be convened between Department of Health, Local Government, WALGA and other relevant stakeholders to consider administration issues.
- 3.2 That Local Government is able to register and recover a fee from all outlets of food businesses within their municipality regardless of the municipality in which a food business is registered. That the capacity is provided to Local Government to charge a fee on an annual basis.
- 3.3 That no organisations, including charities, are automatically exempt from registration.

- 3.4 That the option is provided for Local Government to provide a fee for notification.
- 3.5 Clarify the interpretation of enforcement agency in the Food Bill to mean Local Government or the Department of Health.
- 3.6 Define Authorised Officer as being either an Environmental Health Officer or a person deemed capable of performing the duties based on their relevant qualifications and experience.
- 3.7 Review offences and categorise offences based on a severity and significance and a graduated level of penalties set more appropriately. Maximum penalties should be considered in light of the most severe consequences of the breach resulting in loss of life or wilful destruction of property. Penalties to be reviewed by Parliamentary Counsel in light of penalties for similar offences under other Acts, that is Environmental Protection. The ratio of individual to corporation penalties should be consistent.
- 3.8 It is anticipated that the new Bill will allow a proprietor whose premises have already received a Prohibition Order to request the premises to be re-inspected. If the inspection is not undertaken by an Authorised Officer within 48 hours a certificate of clearance is taken to be given. The 48 hours limit should be reviewed due to the rural distances and cost-recovery for re-inspection requests to be incorporated.
- 3.9 Under Part VIII of the Health Act a person is not entitled to compensation. It is anticipated that a new provision will allow a person to apply for compensation from an enforcement agency where an item is seized by an authorised officer due to insufficient grounds. The compensation would be just and reasonable and if the person is not satisfied may take their case to the State Administrative Tribunal.
- 3.10 Local Government is defined as an enforcement agency under the new Bill. It is anticipated that the Bill will require reports by Local Government as an Enforcement Agency to the Department of Health on the performance of their functions under the new Bill. However, reporting should be reciprocal and the Department of Health should report to Local Government, at least on an annual basis, on the performance of their state-wide environmental and population health functions, particularly as the Auditor General reported some deficiencies in June 2004.

WALGA Comment

The Auditor General's Report on the Management of Food Safety in Western Australia, June 2004, found as follows:

- Councils have questioned the value of the food safety indicators they are required to report on, and as a result only 8% of Councils are submitting required food safety reports to the Health Department.
- No co-ordinated approach or guidance is being given to Local Government on when, what or how often food samples should be tested for contamination.
- 44% of WA Councils fail to conduct any food sampling and analysis.
- Less than half of Councils have had their food surveillance programmes assessed by the DoH since 1995.

- DoH's assessment of Local Government food surveillance programmes is undermined by lengthy delays in reporting the findings to the Local Governments and by a failure to monitor and/or enforce implementation of recommendations.

The Minister for Health and the Department of Health advised WALGA in September 2004 that they will take a more risk based approach and strategic approach to prioritising the need to evaluate Local Governments incorporating key performance indicators and the evaluation of core functional areas, rather than undertaking a detailed assessment on a routine basis.

Comment by Officers:

Regarding the Town of Vincent, 214 Samples were submitted for microbiological or chemical analysis to the Local Government Analytical Analyst, Inman and Farrell, or to the State Health Laboratory Food Hygiene Section (PathCentre) and the Chemistry Centre of WA. Of the 214 samples submitted, 19 were directly related to food complaints received by the Town's Environmental Health Officers. The rest were targeted samples in accordance with strategies of the Northern Food Monitoring Group (which consists of 12 Councils), and WA Food Monitoring Group Programmes (includes the Department of Health WA Principal Food Scientist). Recent sampling included: Listeria in Deli Meats and Slicers; Microbial quality of ready to eat Lettuce and Herbs; chemical levels in Bamboo Shoots and Imported Seaweed; Histamine levels in Imported Fish Products; Fish speciation survey; and Microbial quality of Pork Pies. Sampling was representative with many local authorities participating, and the majority of results being highly satisfactory. In addition, all local manufacturers were sampled to ensure targeted compliance with the Food Standards Code.

In addition, the Department of Health Western Australia issued 44 food recalls, 37 of which required Environmental Health Officer action to ensure the removal of the non-compliant, adulterated or incorrectly labelled food products from retail outlets.

CONSULTATION/ADVERTISING:

Consultation and advertising is the responsibility of the Department of Health, Government of Western Australia.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2005 – 2010:

'We will continue to be a safe and healthy inner city area, rich in heritage and cultural diversity' and 'sustainability guides our decision making.'

LEGAL POLICY:

Health Act 1911 (as amended) and Town of Vincent Health (Eating House) Local Law 2004.

FINANCIAL/BUDGET IMPLICATIONS:

If current fees and charges remain as is, no major financial implications are foreseen.

COMMENTS:

Given the information provided in the Background Paper, it is deemed prudent to strongly support WALGA's push to update the food legislative framework in order to more effectively meet the needs and expectations of the State's population and our local community.

10.1.19 Proposed Partnership with 'AirWatch' – Clean Air Programme Phase 1 – In-door Air Quality Workshop Series

Ward:	Both	Date:	5 September 2005
Precinct:	All	File Ref:	ENS0027
Attachments:	-		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the proposed partnership with 'AirWatch' of the Department of Environment to present four, two hour workshops for Town of Vincent residents every Thursday in November 2005 focussing on In-door Air Quality; and*
- (ii) *APPROVES the proposed community workshop programme in In-door Air Quality and the expenditure of approximately \$1,500.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to approve a proposed partnership with 'AirWatch' of the Department of Environment to present four, two hour workshops for Town of Vincent residents every Thursday in November 2005 focussing on In-door Air Quality.

BACKGROUND:

'Air quality continues to be a key environmental concern for the community. Research has clearly shown that air pollution, depending on its nature and concentration, can adversely affect human health and the environment.' (Source: Department of Environment).

As a component of the Perth Air Quality Management Plan 'AirWatch' was asked to develop and run a community-based project aimed at increasing public awareness of air quality issues.

After researching programmes and information on this subject 'AirWatch' identified a gap in provision of information about indoor air quality.

An offer has been received by the Town from Mr Karl Hansom Community Education Coordinator - AirWatch of the Department of Environment (DoE) on 1 September 2005 as follows:

'Following our discussion regarding a community involvement partnership, here is an outline of what we are proposing. The DoE's AirWatch program would like to pilot another community workshop series... We would like to work with local government officers to help run and promote a new workshop series in November 2005. The aims of the series are to increase knowledge of indoor air issues, and encourage the local community to take personal action for improving indoor air quality.'

Summary of key points:

- *Overall theme is indoor air - health, alternatives, actions;*
- *A series of four related workshops;*
- *Preferred time slot 10am-12noon each Thursday in November, venue to be confirmed in discussions. (Function Room);*
- *Guest presenters, activity session and discussion groups (most provided by AirWatch);*
- *Most of the material is already provided by DoE or guest presenters.'*

The workshop series will focus on the theme of indoor air quality, but each of the four weekly sessions will have slightly different topics related to the general theme. Topics to be covered will include cleaning methods, paint, mould, dust mites and space heaters. Health implications and possible alternatives will be considered with emphasis on actions people can take to improve their indoor environment to minimise 'sick building syndrome'. Speakers will include representatives from the Department of Environment, Department of Health, Swan Catchment Centre, Southwest Healthy Communities project, Murdoch University, Swan River Trust, and Living Smart. It is proposed to hold the workshops every Thursday morning between 10.00am - 12.00noon in the Function Room of the Town of Vincent Administration and Civic Centre.

In relation to the proposed Phase 2 Programme scheduled for 2006/2007 regarding Ambient Air Quality, the Town's Officers will work closely with the Department of Environment staff to address the following DoE Strategic Project:

'Conduct a study of air toxics in the Perth Metropolitan region'.

LEGAL/POLICY IMPLICATIONS:

The Health Act 1911 (as amended) and Environmental Protection Act 1986 (as amended).

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2005-2010 (Amended), Key Result Area One: Environment and Infrastructure

'(a) Prepare and implement a Clean Air Program.'

CONSULTATION/ADVERTISING:

It is proposed that the Workshops be advertised in a local newspaper, the Town's four Health Clinics, Library, Official Notice Board and Town of Vincent website.

FINANCIAL IMPLICATIONS:

After consultation with the DoE, it appears that the financial impact for the Town's Health Services will not exceed \$1,500 and the cost can be allocated to Account Number 51630.5876.52 *Other Minor Expenditures*.

COMMENTS:

The Town of Vincent Community based workshops will enhance the understanding of residents of the indoor air quality risks and action necessary to protect the health of families at home.

10.2.2 Hyde Park – Construction / Replacement of Bore No. 36

Ward:	South	Date:	6 September 2005
Precinct:	Hyde Park P12	File Ref:	RES0042
Attachments:	001;		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher, M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report in relation to the construction / replacement of Hyde Park Bore No. 36 as shown on attached Plan No. 2365-LS-1;
- (ii) **NOTES** that a newly constructed bore is required as a matter of urgency, as Bore No. 36 forms an integral part of the (summer) turf irrigation system at Hyde Park and this will be funded from the 2005/06 Hyde Park Maintenance budget allocation; and
- (iii) **CONSIDERS** listing an amount of \$18,700 in the next budget review to be re-allocated to the Hyde Park Maintenance budget.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the recent “collapse” of Bore No. 36 at Hyde Park and the urgent need to replace this bore to enable irrigation of the park to be undertaken this summer.

BACKGROUND:

The former City of Perth provided bore/pump logs for all bores/pumps located with the Town of Vincent when the Town commenced operations in 1995.

The information provided for Bore No 36 indicates this bore was constructed in March 1985 by F. A. Montague Pty Ltd, was 130 feet (40 m) deep and was constructed using steel casing.

Steel cased bores have an estimated lifespan of around 15years. Therefore, this bore has served the former City of Perth and Town of Vincent extremely well, lasting in excess of 20 years.

The majority of bores constructed to this depth and of this diameter now use Class 12 PVC casing which does not corrode or break down over time and therefore the lifespan of a bore is expected to be in excess of 20 years dependant on soil conditions and groundwater quality.

DETAILS:

In accordance with the Bore/pump maintenance program adopted by the Council at its Ordinary Meeting held on 11 February 2003, an amount of \$8,000 was included in the 2005/06 maintenance budget for developing Bore No. 36 and servicing of the existing pump/motor.

Pump/ bore maintenance at each specific location is undertaken every 3 to 5 years, depending on various factors including use, water quality and local soil conditions.

Pump maintenance involves removing the existing pump and servicing/cleaning the various components. In some cases, particularly with the older cast iron pumping units, the pump is not serviceable and requires replacement. This is due to the cast iron reacting with the iron bacteria in the groundwater which breaks down the cast iron surface into a soft graphite material over a number of years. The new stainless steel pumping units are not affected.

Bore maintenance involves treating the bore with a specific chemical (acid, chlorine etc.) overnight, dependant upon the local conditions and then developing the bore by air jetting or surging. This process removes the iron bacteria, scale and fines from around the stainless steel screen which subsequently improves water flow and volume for the next few years.

It was during this maintenance process with Bore No 36 that the screen collapsed and sand entered the bore, rendering it unserviceable.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

In accordance with the "Rights in Water and Irrigation Act" 1914 a licence is required to construct or alter an existing production well (bore).

Due to the potential delay in receiving approval to construct a new bore at Hyde Park, staff have already submitted an application to the Water & Rivers commission.

Hopefully a new bore licence will be issued for Hyde Park within the next four (4) weeks, enabling enough time to reconnect the new bore/pump to the existing system in readiness for the summer watering period.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"a) Continually review new materials and technologies to achieve better accessibility, affordability and aesthetics for all infrastructure programs."*

FINANCIAL/BUDGET IMPLICATIONS:

The 2005/06 budget has an allowance of \$8,000 for development of the bore and servicing of the pump motor. These funds have been used to carry out maintenance works. The pump/motor was removed and serviced and will be re-used, however, the bore needs to be redeveloped, hence the requirement for a new bore.

The cost for construction of a new bore can only be estimated as the exact depth and length of stainless steel screen required at the bottom of the bore hole can only be determined as soil strata samples are brought to the surface and assessed.

The estimated cost for the bore construction, pipe up, electrical connection, pump installation and capping of old bore at Hyde Park based on the tendered schedule of rates supplied by contractors, Bolan Drilling and K.S. Black Pumps (WA) is as follows:-

• New bore construction	\$15,000
• Pipe up to existing mainline	\$ 1,500
• Electrical connection	\$ 500
• Installation of existing pump	\$ 1,200
• Capping of old bore	<u>\$ 500</u>

Estimated Total \$18,700

COMMENTS:

With the summer period fast approaching, it is imperative that the new bore is constructed as soon as the bore licence is issued by the Department of Environment.

Currently two (2) bores are required to effectively irrigate the turfed areas at Hyde Park twice per week. It should be noted, however, that staff can manually operate the irrigation system using the one existing operational bore to water the entire turfed area if required. This will take up additional labour resources which will in turn affect maintenance in other areas.

10.2.3 Proposed Upgrade of Right of Way Bounded by Anzac Road, Matlock Street, Britannia Road and Seabrook Street

Ward:	North	Date:	5 September 2005
Precinct:	Mt Hawthorn Precinct P1	File Ref:	TES0356
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 upgrading of the right of way (ROW) bounded by Anzac Road, Matlock Street, Britannia Road and Seabrook Street;*
- (ii) *PROCEEDS with the upgrade of the ROW for the reasons outlined in the report; and*
- (iii) *ADVISES the respondents of the Council's decision.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the consultation with residents regarding an objection received to the upgrade of a Town owned ROW and to seek the Council's endorsement to proceed with the upgrade.

BACKGROUND:

At its Ordinary Meeting held on 13 July, 2004, the Council resolved to adopt the 2005/2006 Rights of Way (ROW) upgrade program. Having recently been acquired by the Town, the ROW bounded by Anzac Road, Matlock Street, Britannia Road and Seabrook Street was included in the upgrade program for this year. As the ROW was purchased and not resumed, it retains its "private" designation.

In accordance with the Town's normal practise, adjacent residents were advised of the impending works, resulting in one objection being received. The proposed works were placed on hold pending the outcome of consultation with the adjoining residents regarding proceeding with the upgrade.

DETAILS:

Following the objection on 4 August 2005, sixteen (16) letters with reply paid envelopes and comment sheets were sent to all residents adjoining the ROW. At the close of the consultation period, thirteen (13) responses had been received. Eight (8) of the respondents were *in favour* of the proposal with five (5) *against* the proposal. A summary of the results, including comments, is provided below:

Related comments *In Favour* of proposal are as follows (8 in total):

- Will improve access to garages leading off the ROW. A sealed ROW would encourage residents to use off-street parking. Would also improve the aesthetics of the ROW.
- For many years another resident and I have cleared the ROW of weeds and unwanted junk. He has now died and I am 92 years old so I am pleased that the Council will now take over.
- Very keen for upgrade to proceed. Feel the long grass and rubbish thrown over fences encourages the breeding of rodents.
- Five (5) respondents in favour but no further comments.

Related Comments *Against* the proposal (5 in Total)

- Feel ROW should be divided and given to householders equally. This would stop thieves from entering backyards by jumping over fences and stop drunks and drug addicts wandering up and down the ROW in the middle of the night, leaving beer bottles and disused needles.
- Would prefer ROW not be upgraded but would like it closed. It is generally felt that there are sufficient street setbacks for vehicular parking and movement without compromising our safety. Until such time as the closure issue is resolved, we undertake to clean up and maintain our section of the ROW.
- Closure would be even better as the "dead end" of the ROW is never used. Upgrading the lane will encourage unwanted users.
- Upgrading will not improve security risk to homes. House break-ins have been via the ROW. Houses have front driveways - not reliant on rear access.
- One (1) against but no further comments.

Discussion

The majority of respondents, 8 out of 13, were in favour of proceeding with the upgrade. The most frequent cause for objection from 4 of the 5 respondents against the proposal was that they would prefer that the ROW was closed so they may acquire a portion of the land for amalgamation into their properties.

It must be noted that the closure of a private ROW can only be achieved with the consent of all adjoining property owners who have a legal right of access, together with the approvals of the Department for Planning and Infrastructure and the Town.

Closure of this particular ROW does *not* have the support of all adjacent property owners and an application for partial closure of the ROW, made in 1999, was rejected by the Department for Planning and Infrastructure on the following grounds:

"...the abovementioned laneways form part of an overall system which services current developments and provides opportunities for future developments within the area."

The Town's Vehicle Access Policy No 3.2.6 recognises the beneficial use of ROWs for vehicle access in preference to cross overs and front access to garages or carports. It is the Town's aim to require utilisation of rear ROWs wherever possible to reduce the number of crossovers to the street. Therefore the Town would also not support the closure of the ROW.

Conclusion/Recommendation

Therefore, taking into consideration that the majority of the respondents supported the upgrade of the ROW, and that closure of the ROW is not a viable option, it is recommended that the Council approve proceeding with the upgrade in accordance with its decision of 13 July, 2004. In addition as the ROW is owned by the Town, its sealing and draining will reduce long term maintenance cost and liability issues.

CONSULTATION/ADVERTISING:

Consultation has been carried out as detailed in this report. The respondents will be advised of the Council decision.

LEGAL/POLICY:

There are no legal implications to proceeding with the proposed works.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Funds totalling \$20,000 have been included in the 2005/2006 capital budget for the upgrade of this ROW.

COMMENTS:

The Town has an adopted program for the upgrade of ROWs in its ownership, and on the completion of this program, the acquisition and subsequent upgrade of remaining privately owned ROWs, where feasible, will be progressed.

The majority of respondents to the Town's survey were in favour of the upgrade of the ROW in question. Respondents who were not in favour of the upgrade, suggested the closure and amalgamation of the ROW into their lots.

As closure would not be supported by all adjoining property owners, nor the Town or the Department for Planning and Infrastructure, its closure is not a viable option. Therefore it is recommended that the Council approve proceeding with the upgrade of the ROW.

10.2.5 St Michael Association - 2005 Street Procession

Ward:	North Perth	Date:	7 September 2005
Precinct:	Hyde Park P2, Mt Lawley Centre P11	File Ref:	CVC0006
Attachments:	-		
Reporting Officer(s):	C Wilson, J Greenwood		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the annual St Michael Association street procession, to be held on Sunday, 25 September 2005; and*
- (ii) *REQUESTS the organisers of the procession to ensure that all emergency services and Main Roads WA Operations Centre, are notified and all relevant approvals have been obtained prior to holding the procession.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval for the annual St Michael Association street procession, to be held on Sunday, 25 September 2005.

BACKGROUND:

The St Michael Association is seeking the Council's approval to conduct its annual *Feast Day Celebration* street procession on Sunday, 25 September 2005, in honour of its patron saint, St Michael.

DETAILS:

The procession will commence at 3.30 pm on Sunday, 25 September 2005, from Sacred Heart Church in Mary Street, Highgate. It will travel, under Police escort, west via Mary Street turning left into William Street. From William Street the procession will turn left into Lincoln Street east bound and left again into Beaufort Street north bound. From Beaufort Street the procession turns left into Mary Street with proceedings concluding at approximately 4.15pm at Sacred Heart Church.

The procession will be under Police escort and no actual road closures are involved. The parade is scheduled for a Sunday and does not conflict with any other major events, however, there may be a short duration impact upon traffic in Beaufort Street.

CONSULTATION/ADVERTISING:

Given that the procession causes minimal disruption to residents or businesses and that the cost to advertise the procession would be an additional impost upon the applicants as a voluntary organisation, it is recommended that the applicants not be required to advertise this event.

LEGAL/POLICY

The WA Police will be responsible for traffic control in accordance with the relevant Australian Standards and Main Roads WA Code of Practice.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Draft 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.*

COMMENTS:

The annual street procession of the St Michael Association is a colourful Catholic celebration that draws many regular and first time visitors to the Town. The nearby cafes and restaurants will also gain from increased patronage as a result of the event, suggesting that the Town not only benefits in a cultural sense but also a commercial sense.

10.3.2 Audit Committee - Unconfirmed Minutes August 2005

Ward:	-	Date:	5 September 2005
Precinct:	-	File Ref:	FIN0106
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Minutes (unconfirmed) dated 17 August 2005 of the Town's Audit Committee, as shown in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF THE REPORT:

The purpose of the report is for the Council to be advised of the Audit Committee Minutes and for these to be received.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

"That the Council;

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
 - (a) *the process of selecting the Auditor;*
 - (b) *recommending to Council on the Auditor;*
 - (c) *managing the Audit Process;*
 - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
 - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
 - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
 - (g) *to oversee Risk Management and Accountability considerations; and*
 - (h) *to oversee Internal Audit/Accountability functions;"*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the CEO in respect to financial management and independent performance reviews (including internal and external Audits).

STRATEGIC IMPLICATIONS:

The Town's Strategic Plan 2005-2010 (Amended) - Key Result Area 4.5(a) - *"Introduce and maintain internal audit programs"*.

FINANCIAL IMPLICATIONS:

Nil.

COMMENT:

The reporting of the Town's internal Audit Committee minutes to the Council Meeting is considered "best practice" and in keeping with the Audit Charter. It is pleasing to note that no issues were identified at this meeting.

10.3.5 Lease Negotiations - Leederville Cricket Club (Inc) and Western Australian Junior Rugby Union (Inc) - Britannia Road Reserve Recreation Hall

Ward:	North	Date:	22 August 2005
Precinct:	Leederville Precinct	File Ref:	RES0001
Attachments:	001		
Reporting Officer(s):	P. Betts		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the granting of a five (5) year joint lease to the Leederville Cricket Club (Inc) and the Western Australian Junior Rugby Union (Inc) for the recreation hall located at Britannia Road Reserve located at Perthshire location 1 and being part of Lots 31 and 32 on Plan 687 comprised in Certificate of Title Volume 1769 Folio 075, subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To outline details of the joint lease with the Leederville Cricket Club (Inc) and the Western Australian Junior Rugby Union (Inc) for the recreation hall at Britannia Reserve.

BACKGROUND:

The recreation hall located at Britannia Road Reserve, Perthshire location 1 and being part of Lots 31 and 32 on Plan 687 comprised in Certificate of Title Volume 1769 Folio 075 as highlighted on the attached plan is leased by the Leederville Cricket Club (Inc) and the Western Australian Junior Rugby Union (Inc). The current lease is for the period 1 December 2000 until the 30 November 2005.

DETAILS:

Council recommends negotiations commence with the Leederville Cricket Club (Inc) and the Western Australian Junior Rugby Union (Inc). A five (5) year lease period will be offered commencing on 1 December 2005 and ending on 30 November 2010. The two clubs have leased this area since 1 April 1994.

LEGAL/POLICY:

The Town's Policy No. "1.2.8 Terms of Lease", which specifies a five year term, to a maximum of ten years.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 - 2010

Key Result 2.1 (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.'

Key Result Area 3.2 (a) "Review leases and commercial contracts to ensure the best return for the Town."

FINANCIAL/BUDGET IMPLICATIONS:

The Leederville Cricket Club (Inc) and Western Australian Junior Rugby Union (Inc) each pay \$1,278.00 per annum in lease fees.

COMMENTS:

It is recommended that negotiations commence with Leederville Cricket Club (Inc) and Western Australian Junior Rugby Union (Inc) with the view of offering a five (5) year lease for the recreation hall located at Britannia Road Reserve. The two lessees have shown themselves to be good tenants who make a valuable contribution to sport in Leederville and to Western Australia.

10.3.6 International Day of disAbility

Ward:	Both	Date:	31 August 2005
Precinct:	All	File Ref:	CMS0074
Attachments:	-		
Reporting Officer(s):	S Jarman		
Checked/Endorsed by:	J Anthony / M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the celebrations for the International Day of disAbility 2005; and*
- (ii) *ENDORSES that the Vincent Improved Access Awards be held every two (2) years.*

COUNCIL DECISION ITEM 10.3.6

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To outline celebrations to be held in Hyde Park for International Day of disAbility 2005.

BACKGROUND:

The Town of Vincent has over the years adopted various creative strategies in looking at improving access for people with disabilities within the Town. There is a recognition that a variety of innovative approaches are most likely to be effective in meeting the needs and positively promoting accessibility issues of people with disabilities, their carers and families within the Town.

The Vincent Improved Access Awards have been held in the Town since 2000. This has been one part of a wider strategy to ensure that on a local level there is direct recognition for businesses, services and individuals that take steps to ensure that access is improved within the Town.

The Vincent Improved Access Awards were initiated to encourage businesses within the Town to improve access to their facilities and services. The Awards were developed in recognition that positive encouragement of businesses making such changes would be more likely to encourage best practice in access.

The Awards of 2004 saw the greatest number of nominations received and awards handed out. It is thought that this may have been greatly due to there being no ceremony being held in 2003, due to only one nomination being received. Now that the awards are in the fifth year the situation is arising in regards to the nominations now received are many of the same recipients of the awards has in the past. There are also only a limited number of services, agencies and businesses that can be contacted to gain nominations from.

It is therefore proposed to hold the Awards every two years, as a result there will not be Awards held in 2005. This will assist with new programs, businesses and agencies having time to establish themselves and re-motivate the community to find fresh nominations.

DETAILS:

This year the Town will invite people with a disability, families and carers to a celebration sausage sizzle in Hyde Park to celebrate the International Day of disAbility, 3 December 2005.

It is proposed to have a mixture of activities for people to participate in and a free sausage sizzle. For example specific recreational activities for people with disabilities, light entertainment and bubbles. This will also provide an opportunity to highlight the Liberty Swing which is located in Hyde Park.

The target group for this event is people with disabilities, their families and carers living in the Town of Vincent. The sausage sizzle will also be open to the rest of the community which will assist in positively promoting abilities of people with disabilities to the wider community.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Celebrations for International Day of disAbility is in keeping with the Town of Vincent Strategic Plan 2005 - 2010.

Key Result Area 2.3: Develop and implement initiatives for universal access

(c) *develop creative solutions to access and equity issues, relevant to the Town's diverse community.*

FINANCIAL/BUDGET IMPLICATIONS:

\$3500 is allocated to the Vincent Improved Access Awards in recognition of the International Day of disAbility.

COMMENTS:

The Town of Vincent leads the way in identifying and dealing with the variety of issues that are faced by people with disabilities, their families and carers. The Vincent Improved Access Awards are a great way of recognising individuals and service providers. Holding the Awards every two years will assist in keeping the Awards successful.

A celebratory event in Hyde Park will again demonstrate to the community the Town's commitment to people with disabilities by celebrating International Day of disAbility.

10.3.7 Community Survey - Dogs

Ward:	Both	Date:	24 August 2005
Precinct:	All	File Ref:	CMS0105
Attachments:	-		
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

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

COUNCIL DECISION ITEM 10.3.7

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To provide the results of the survey conducted to determine the needs and expectations of dog owners in the Town.

BACKGROUND:

At the Ordinary Meeting of Council on 8 March 2005, the following was recommended:

"That;

- (i) *Council APPROVES the community engagement project identified in the report to determine the needs and expectations of dog owners in the Town;*
- (ii) *the report being amended under the heading "Importance of responsible dog ownership" to read as follows:*

"Importance of responsible dog ownership

Being a responsible dog owner means making sure that one's dog is not a nuisance. Basically this means being a "good citizen." It means making sure that the dog does not roam freely and kept on leash except in off leash areas, destroy property, chase ~~livestock~~ wildlife, maul children or other animals, leave excrement behind where it goes in public, or become a nuisance barker, or in other ways decrease the quality of life of others in the community. It boils down to proper control, good training,

cleaning up after dog's messes, and providing the dog with enough physical exercise and mental stimulation that it does not create its own "vices" out of frustration."; and

- (iii) *the survey attached at Appendix 10.3.2 be amended to "Survey on Dog Needs" and directed at the whole community and not just dog owners."*

DETAILS:

The Survey on Dog Needs was distributed to the community to gain feedback on the various aspects of having dogs in our community. The process of engagement was conducted through advertising in the local news papers, through the webpage, direct contact with community members and through a mail drop.

The Town's Community Development Officers took part in direct community engagement in April 2005 at Banks Reserve, Les Lilleyman and Forrest Park. Officers spoke to community members regarding the survey as they were filled out or were given a self stamped addressed envelope to send to the Town of Vincent. A distribution company was also used to distribute the survey to 12,278 homes in the Town. It was also advertised in the local newspaper as a community announcement and was available at the front counter in the administration building. A total of 253 surveys were returned by the due date.

The respondents included a sampling of:

- female (70%) and male (30%) respondents;
- age groupings (from 16 years to 79 years old), with a median age of 41 years; the majority of respondents were aged between 26 years and 55 years of age.
- all respondents were dog owners with 79% owning one dog, 20% owning 2 dogs and 1% owning 3 dogs
- 242 respondents lived in the Town of Vincent. The rest of the respondents were non-residents who used the Town's facilities for exercising their dogs.

Respondents who lived in the Town belonged to the following suburbs:

Suburb	No of respondents	% of respondents
Mt Hawthorn	96	40%
North Perth	61	25%
Leederville	27	11%
Mt Lawley	26	11%
Perth	14	6%
Highgate	13	5%
West Perth	5	2%
East Perth	0	0%

The findings are summarised as follows:

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

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

The usage of parks and reserves by the survey respondents is outlined as follows:

Reserve/Park	User %
Britannia Road Reserve	48.22%
Hyde Park	17.39%
Menzies Park	16.60%
Les Lilleyman	15.81%
Forrest Park	12.65%
Charles Veryard Reserve	11.86%
Banks Reserve	10.28%
Robertson Park	9.88%
Brentham Street Reserve	9.09%
Beatty Park Reserve	6.32%
Jack Marks Reserve	5.93%
Edinboro Street Reserve	5.14%
Woodville Reserve	5.14%
Braithwaite Park	3.95%
Smiths Lake Reserve	3.95%
Brigatti Gardens	3.56%
Stuart Street Reserve	2.77%
Axford Park	1.98%
Kyilla Park	1.98%
Birdwood Square	1.19%
North Perth Multicultural Gardens	0.79%
Venables Park	0.79%
Ivy Park	0.00%

About half of respondent stated that they use more than one reserve to exercise their dogs

Usage of the reserves varied with the majority of respondents using the reserves almost daily. Approximately 27% of respondents exercised on the reserves prior to 7 am and after 6 pm whilst 34% used the reserves in the afternoons mainly reporting the times of between 3 pm and 6 pm. Only 10% of respondents used the reserves in the morning after 7 am.

Out of the 253 surveys returned, 149 respondents stated that they use a reserve/facility belonging to another council. Other councils used included mostly surrounding councils such as Town of Cambridge with Lake Monger being most popular, Yokine Reserve in City of Stirling and Whiteman Park in the City of Wanneroo. Popular facilities listed were dog beach and river foreshores.

Respondents were asked to state which facilities and services were considered important as a dog owner that they would like provided in the Town of Vincent. The following response was collated in order of number of listings.

Availability of Dog Exercise Areas	94.86%
Poo bags	94.07%
Adequate room for exercise/Ample running space for dogs	93.28%
Exercising dogs "off lead"	90.12%
Ability to exercise dogs in an appropriate space & time	85.38%
Responsible Dog Ownership	84.58%
Drinking facilities (for dogs)	65.61%
Education of Dog owners and non-owners	60.87%
Local laws pertaining to dog exercise areas	53.75%
Socialisation with other dogs & walkers	52.17%
Training lights on after hours to encourage after hour's dog walking & safety	43.48%
Coexistence with other users eg sports clubs	39.13%
Barrier to road to prevent dog escapees	38.74%
Drinking facilities (for owners)	33.60%
Engaging in unstructured activity as a form of fitness	32.81%
Swimming pond for dogs	20.55%
Dog playgrounds-to promote agility & obedience	20.16%
Priority for dog walkers over other users	20.16%
Information on Dog behaviour & how to train dogs to be well socialised & obedient	12.25%
Structured Activities for Dogs & Owners	10.67%

Respondents listed five of the most important facilities and services that they would like to see the Town focus on in relation to dog ownership. 43% of respondents identified dedicated areas for off leash areas for dog exercise as important. Other priority issues identified included the need for more bins and 'poo bags', more practical drinking facilities for both owner and dog, lights on parks for those who exercise early in the morning and late at night, and information and training on dog behaviour. Other listed facilities and services were fenced off areas for dogs and seating in parks.

Only 60% of respondents commented on ideas to improve current facilities when exercising their dogs. 16% of these respondents were satisfied with the current facilities. Comments included the following suggestions:

- Water facilities needed for dogs;
- Having lights on at parks during early hours of morning and evening to walk their dogs;
- More poo bags needed and enforcement of owners cleaning up after their dogs;
- Fencing parks especially Britannia Road Reserve to prevent their dog running onto the freeway;
- More off lead areas are needed;
- Not happy with sporting groups using the parks;
- More seating and benches to be made available;
- Keep the parks tidy;
- Signage is to be made clearer for off lead areas; and
- More Ranger patrols.

A total of 164 people answered yes to attending an information session on dog behaviour and training.

The survey results are consistent to recent anecdotal feedback received by officers where dog owners are becoming more vocal in requesting support for their unstructured leisure activity.

Given that walking has the highest participation rate, compared to other popular activities including aerobics/fitness, swimming, cycling and tennis, it is critical that the Town plays a role in encouraging unstructured activities to enhance community health and wellbeing.

Recent reports from the National Centre for Health Promotion conference at The University of Sydney indicate that regular exercise, such as walking your dog, lessens the risk of coronary heart disease, thus reducing the risk of stroke and heart attacks. Studies show that pet owners, on average, have lower cholesterol, lower blood pressure and more chance of survival after a coronary event than non-pet owners.

Exercise helps a healthy mind and body, and findings show that dog walking is an important source of physical activity among dog owners. From a walk with a pet to the local shop, around the park, on the beach, along with the family on a picnic, or increasingly to inner-city cafes, it is more likely that if a person owns a dog, he/she will increase their levels of physical fitness. Similarly, mental well-being is also heightened through the companionship and love that comes through owning a pet.

The benefits of walking the dog can also spark up your social life. Findings also show that pet owners in general, have higher levels of self-esteem than non-pet owners.

According to an epidemiological study on dog ownership and human health-related physical activity conducted in April 2005, respondents who were involved in walking their household's dog were more likely to meet established physical activity guidelines than those who did not. In a society of decreasing physical activity levels, novel and innovative approaches to increasing population physical activity are needed. These approaches must be evidence based and strategically targeted. Targeted dog walking campaigns may be such an approach.

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

It is recommended that the Town's officers develop an action plan with an associated budget to address the findings of the survey.

10.3.8 Local Government Accountability Inquiry

Ward:	-	Date:	6 September 2005
Precinct:	-	File Ref:	FIN0001
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Chief Executive Officer to make a submission to the inquiry on Local Government Accountability.

COUNCIL DECISION ITEM 10.3.8

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To inform the Council that a submission is made to the Public Accounts Committee Subdivision.

BACKGROUND:

The Public Accounts Committee has resolved to undertake an inquiry into the effectiveness and/or adequacy of accountability mechanisms for local government authorities. Following recent events involving a number of local councils, the Committee is concerned as to whether the accountability mechanisms for local government expenditure are adequate. The Terms of Reference are as follows:

DETAILS:

The Public Accounts Committee will examine and report on:

1. Current accountability mechanisms for local government in Western Australia, including finance, probity and performance;
2. The capacity of the Department of Local Government and Regional Development to examine local government finance, probity and performance issues;
3. Whether the State Auditor General should have a role in local government audit processes; and
4. Other matters deemed relevant by the Committee.

The closing date for submissions to the inquiry is 11 November 2005.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Key Result Area Four Governance and Management

“4.1 (a) Review policies on governance and management, monitor performance and achievements of the Town and Council through benchmarking of key performance indicators.”

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

The issue of Local Government accountability is an important matter for local councils, the Town is of the opinion that we should make a submission to advise of the position on the matters being examined.

10.4.11 Information Bulletin

Ward:	-	Date:	8 September 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	S Garreffa		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 13 September 2005 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.11

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

DETAILS:

The items included in the Information Bulletin dated 13 September 2005 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Heritage Council regarding nomination for Heritage Council Award 2005
IB02	Letter from State Administrative Tribunal regarding Draft Conditions in Planning and Other Review Matters
IB03	Letter from the Western Australian Planning Commission regarding Application: 551-05 (Approval Subject to Condition(s) Survey-Strata Plan)
IB04	Letter from the State Administrative Tribunal attaching Orders in the matter of Stephen Leslie and Elizabeth Wason (RD/419 of 2005)
IB05	Letter from the State Administrative Tribunal attaching Orders in the matter of Laura Christian (RD/380 of 2005)
IB06	No.59 (Lot 9862) Chelmsford Road, Mount Lawley ('Tudor Lodge') – Consideration by Heritage Council of WA for Inclusion on the State Register of Heritage Places
IB07	Western Australian Local Government Association Infopage – Draft Statements of Planning Policy Released for Comment
IB08	Note of Appreciation regarding Sealing of Right of Way in North Perth

ITEM	DESCRIPTION
IB09	Letter of Appreciation from Department of Local Government and Regional Development regarding recent visit by Local Government Grants Commission to Town
IB10	Note of Appreciation regarding efforts of Rangers at Britannia Reserve with regards to unleashed dogs
IB11	Register of Petitions - Progress Report - September 2005
IB12	Register of Notices of Motion - Progress Report - September 2005
IB13	Register of Reports to be Actioned - Progress Report - September 2005
IB14	Register of Legal Action
IB15	Register of State Administrative Tribunal Appeals
IB16	Forum Notes - 21 June 2005
IB17	Forum Notes - 19 July 2005
IB18	Forum Notes - 16 August 2005
IB19	Notice of Forum - 20 September 2005

10.3.4 Website Hosting - North Perth Precinct Group

Ward:	-	Date:	22 August 2005
Precinct:	-	File Ref:	ADM0014
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the Town funding the hosting of the website for the North Perth Precinct Group; and*
- (ii) *REQUESTS that the Chief Executive Officer provides a report on this initiative after 12 (twelve) months.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be amended to include a new clause (iii) as follows:

“(iii) REQUESTS the MOU to be amended to include the following condition;

“The website must not be used for electioneering purposes or for the promotion of any person or for any candidate in Local, State or Federal Government elections or for any political purposes whatsoever.””

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Lake, Seconded Cr Ker

That the MOU at Item 12 be amended to include the words “by the Chief Executive Officer of the Town of Vincent” after the word inappropriate.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.3.4

That the Council;

- (i) *APPROVES the Town funding the hosting of the website for the North Perth Precinct Group;*
 - (ii) *REQUESTS that the Chief Executive Officer provides a report on this initiative after 12 (twelve) months; and*
 - (iii) *REQUESTS the MOU to be amended to include the following condition;*
"The website must not be used for electioneering purposes or for the promotion of any person or for any candidate in Local, State or Federal Government elections or for any political purposes whatsoever."
-

PURPOSE OF REPORT:

To present to Council the proposal for the Town to host the website for the North Perth Precinct Group.

BACKGROUND:

The Town has been approached by the North Perth Precinct Group for financial or in-kind support to host the precinct group website and pay registration of its domain name.

This facility could then extend to other precinct groups. Potentially the proposal of developing websites for individual precinct groups, in particular if they are coordinated by the precinct groups will greatly improve the function of the precinct groups.

DETAILS:

The North Perth Precinct Group is developing a website to obtain the benefits of the Internet in the interest of sharing ideas and resolving issues efficiently.

The members of the Precinct Group would be responsible for creating and maintaining their website. It is the group's preference for the Town to host the website and for the group to register a domain name (this is to be paid by the Town). The domain name would be www.precinctgroup.org.au which would then have directories for each precinct group eg. www.precinctgroup.org.au/northperth. It is estimated the costs for this would be in the region of \$200. However the matter was evaluated by the Town's Manager Information Services and his recommendation was this website is to be hosted externally.

This was decided at the initial meeting with the Precinct Groups to enable the simple management of the sites by the groups and ensure that the administrative overheads were low.

To that end the Manager Information Services obtained quotes from four (4) Internet service providers and has recommended ArachNet. The cost is Domain registration \$55 for 2 years and web hosting \$165.

Meetings have been held with the Executive Manager Corporate Services, Manager Information Services and the North Perth Precinct Group executive, regarding the content of the website, the administration of the site, ongoing funding and review of the project in the future.

As a result a Memorandum of Understanding (MOU) has been initiated between the two parties (Attachment A). The purpose of this MOU is to set guidelines, notes and responsibilities for development and use of a precinct group website by the parties.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Policy 4.16 will be amended if this recommendation is approved.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area 3 - Economic Development

"3.1 Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town.

(e) Promote business and industry associations and foster improved liaison between community groups, precinct groups, the Town and other relevant stakeholders."

FINANCIAL/BUDGET IMPLICATIONS:

The cost of this project is as follows:

Domain registration	\$55 for 2 years
Web Hosting	\$165

This will provide for one (1) domain name, registration for all precinct groups, one (1) web hosting service for all precinct groups and one (1) email account per precinct group, up to five groups. Additional groups above five will incur additional fees.

COMMENTS:

The proposed website will increase the communication throughout the community and provide a constructive partnership between the Town and the Community.

This is a unique project with modest financial support being provided to enhance the community engagement.

There is also an opportunity for the Town to take up on some kudos in the local government industry throughout Australia by supporting this initiative.

10.1.6 Nos. 204-212 (Lot 5545 D/P: Swan) Scarborough Beach Road, Corner Killarney and Matlock Streets, Mount Hawthorn - Proposed Library Addition to Existing Educational Establishment

Ward:	North	Date:	2 September 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO 1943; 5.2005.3125.1
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 Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission (WAPC) for the application submitted by Finlay Rumble Architects on behalf of the owner Minister for Education for proposed Library Addition to Existing Educational Establishment, at Nos. 204-212 (Lot 5545 D/P: Swan) Scarborough Beach Road, corner Killarney and Matlock Streets, Mount Hawthorn, and as shown on plans stamp-dated 19 August 2005 (site plan, floor plan and elevations) and 2 September 2005 (elevation), subject to:

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

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology.)

Landowner:	Minister for Education
Applicant:	Finlay Rumble Architects
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Public Purposes (Primary School)
Existing Land Use:	Educational Establishment
Use Class:	Educational Establishment
Use Classification:	"AA"
Lot Area:	21848 square metres
Access to Right of Way	N/A

BACKGROUND:

- 11 March 2002 Correspondence sent to the Western Australian Planning Commission (WAPC) advising of the Town's recommendation for conditional approval of proposed accessibility toilet addition to existing educational establishment.
- 13 July 2005 Correspondence sent to the Western Australian Planning Commission (WAPC) advising of the Town's recommendation for conditional no objection to library additions to existing educational establishment.

DETAILS:

The proposal involves library additions to existing educational establishment

The current planning application is identical to the one determined under delegated authority by the Town in its correspondence sent 13 July 2005. The following conditions were recommended in the Town's advice to the WAPC:

- "(1) *proposed building to be compatible with the existing buildings on site;*
- (2) *the height of proposed building shall be reduced to a maximum of 3.0 metres to the top of the external walls and 6.0 metres to the top of the roof pitch, taken from natural ground level; or the building shall be a minimum setback of 6.0 metres from Killarney Street in accordance with the Town's Policies relating to Non-Residential/Residential Development Interface, and the Mount Hawthorn Precinct; and*
- (3) *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."*

The following is a copy of the conditions contained in the Planning Approval issued by the WAPC on 29 July 2005:

1. *"This approval relates to Plan No. SK01 prepared by Finlay and Rumble Architects and stamp dated by the Department for Planning and Infrastructure 2 June 2005.*
2. *The materials, colours and finishes of the proposed development being harmonious and compatible with the existing buildings on site to the satisfaction of the Western Australian Planning Commission in consultation with the Town of Vincent.*
3. *The height of proposed building shall be reduced to a maximum of 3.0 metres to the top of external walls and 6.0 metres to the top of the roof pitch, as measured from the natural ground level.*
4. *The building shall be set back a minimum of 6.0 metres from Killarney Street in accordance with the Town's Policies relating to Non-Residential/Residential Development Interface, and the Mount Hawthorn Precinct.*
5. *All external fixtures, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive."*

The Town's Officers note that the WAPC included the Town's recommended condition (2) as two separate conditions, namely conditions 3 and 4 above, and negated the option for only one of the options being required. Furthermore, the applicant wishes to have both conditions removed from the Planning Approval. As a reconsideration of condition is not acceptable to the WAPC, unless an administrative error has been made, a new Planning Application is submitted for consideration by the Council, and determination by the WAPC.

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
Non-Residential/Residential Interface: Setback to Killarney Street	6.0 metres	5.0 metres	Supported - variation is listed as building height is over 3.5 metres so the upper portion is considered under the provisions of the Locality Statement, which require upper floor front setbacks to be 6.0 metres. In this instance, the incursion is considered minor and considered to have no undue impact on the streetscape.
Consultation Submissions			
The planning application was not advertised and on this basis, it is being referred to Council for consideration.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal does not include any additional classrooms and is not considered to increase the intensification of the land use on site; therefore, no additional car parking is required.

The proposed development is adjacent to the Residential zone along Killarney Street. It is noted that there are no privacy encroachments and the proposal does not unduly affect the amenity of the Residential zone to the north of the subject site.

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

10.1.16 No. 131 (Lot 93 D/P: 2848) Anzac Road, Corner Matlock Street, Mount Hawthorn - Alterations and Garage Addition to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	7 September 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3222; 5.2005.3002.1
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 C A Smith on behalf of the owners A R & C A Smith for Alterations and Garage Addition to Existing Single House (Application for Retrospective Approval), at No. 131 (Lot 93 D/P: 2848) Anzac Road, corner Matlock Street, Mount Hawthorn, and as shown on plans stamp dated 17 June 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 vehicular access, and secondary street setback requirements of the Town's Policy relating to Street Setbacks;*
- (ii) *the Council ADVISES the owners of No. 131 (Lot 93 D/P: 2848) Anzac Road, Mount Hawthorn, that the unauthorised garage addition shall be removed within 14 days of the date of notification by the Town; and*
- (iii) *the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings against the owner of No. 131 (Lot 93 D/P: 2848) Anzac Road, corner Matlock Street, Mount Hawthorn, if the unauthorised garage addition detailed in clause (ii) above still remains after the above 14 days period.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology.)

Landowner:	A R & C A Smith
Applicant:	C A Smith
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	476 square metres
Access to Right of Way	Southern side, 5 metres wide, unsealed, Town owned

BACKGROUND:

23 January 2004 Building Licence No. 20/2054 issued for Alterations and Additions to Existing Dwelling.

DETAILS:

The applicant seeks retrospective approval to amend previously approved plans, to include a new double garage not included in the previous approval. The new garage is non-compliant as it involves a reduction in the setback of the garage to the secondary street, Matlock Street, and is not accessed from the available right of way. The amended plans submitted for approval do not include any other amendments to the previously approved Building Licence plans. Construction has begun on the abovementioned development.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Street Setback Policy	Garages to be setback from the secondary street at or behind the front main building wall. (Front main building wall line – 1.8 metres)	Garage setback 800 millimetres from secondary street (Matlock Street)	Not supported – undue impact on streetscape.
Vehicular Access Policy	Crossovers to have clear sight of footpath and carriageway	Garage crossover has no clear sight lines	Not supported – unsafe environment created.

Vehicular Access Policy and Street Setbacks Policy	Garage accessed, where available, solely from a right of way.	Garage accessed from the secondary street, not from the available right of way.	Not supported – normally the visual impact on the streetscape is similar whether the garage is accessed off the right of way or off the secondary street, in corner lot situations. However, the current location of the garage has no clear sightlines.
Consultation Submissions			
The proposal was not required to be advertised as the officer recommendation is for refusal.			
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 Town’s Technical Services has advised that requirements for a garage proposed to be constructed in this situation is for standard visual sight line truncations to be incorporated into the design, located at the intersection of the right of way (ROW) and the footpath, as well as either side of the driveway/garage opening at the intersection of the footpath. These truncations are to provide for safe passage of pedestrians and vehicle traffic within the road reserve and are to be 1.5 metres by 1.5 metres in size.

In light of the above, the proposed development is therefore contrary to the provisions of the Town’s Town Planning Scheme No.1 and associated Policies and the Residential Design Codes, and is therefore recommended for refusal.

It is also recommended that the Council requires the removal of the unauthorised garage within 14 days of notification and authorises appropriate action, should it not be removed within the stipulated time frame.

10.1.1 Further Report- No. 2 (Lot 3 D/P: 24107) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed Three-Storey Single House Including Basement and Undercroft Carparking

Ward:	South	Date:	6 September 2005
Precinct:	Banks; P15	File Ref:	PRO2095; 5.2005.2745.1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 JB Gangemi on behalf of the owners J P & J B Gangemi for proposed Three-Storey Single House including Basement and Undercroft Carparking, at No. 2 (Lot 3 D/P: 24107) Bream Cove, corner Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 11 August 2005 (excluding elevation plans) and 12 August 2005 (elevation plans), subject to:

- (i) any new street/front wall, fence and gate between the Joel Terrace boundary and Bream Cove boundary and the main building, including along the side boundaries within these front setback areas, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion 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, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) the solid portion adjacent to the Bream Cove boundary from 6.0 metres from the Joel Terrace 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) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum overall height of the dwelling being 7.0 metres from natural ground level. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *a Certified Practising Consulting Engineer's certification confirming the capability of the subject site and adequacy of the proposed foundations, for the development and any associated retaining walls, taking into account the extent of excavation and the geotechnical and/or hydrogeological composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence; and*
- (v) *the proposed pool does not form part of the Planning Approval and is subject to a separate Swimming Pool Licence being submitted to and approved by the Town.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That clause (iii) of the recommendation be deleted.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

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 JB Gangemi on behalf of the owners J P & J B Gangemi for proposed Three-Storey Single House including Basement and Undercroft Carparking, at No. 2 (Lot 3 D/P: 24107) Bream Cove, corner Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 11 August 2005 (excluding elevation plans) and 12 August 2005 (elevation plans), subject to:

- (i) *any new street/front wall, fence and gate between the Joel Terrace boundary and Bream Cove boundary and the main building, including along the side boundaries within these front setback areas, shall comply with the following:*

- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion 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, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) *the solid portion adjacent to the Bream Cove boundary from 6.0 metres from the Joel Terrace 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) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (iii) *a Certified Practising Consulting Engineer's certification confirming the capability of the subject site and adequacy of the proposed foundations, for the development and any associated retaining walls, taking into account the extent of excavation and the geotechnical and/or hydrogeological composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence; and*
 - (iv) *the proposed pool does not form part of the Planning Approval and is subject to a separate Swimming Pool Licence being submitted to and approved by the Town.*

FURTHER REPORT:

The subject application was considered at the Ordinary Meeting of Council held on 23 August 2005. During Council's consideration of the subject application at this meeting, issues relating to the amount of excavation, the impact of associated retaining walls, the requirement for consultation and the gradient of the driveway were raised. The following was subsequently resolved by the Council in relation to this matter:

"That the Item be deferred for further investigation."

To comply with condition (iii) of the Officer Recommendation, it is approximated that a further excavation of 1.5 metres from what is currently proposed is required to accommodate the proposed three storey dwelling (with minimum floor to ceiling height of 2.4 metres, the current roof design and standard floor slabs). This amount of excavation may be less if the habitable rooms are removed from the garage/basement level. Such excavation would require the garage to be setback approximately 6.0 metres from the Bream Cove boundary to achieve a driveway gradient compliant with Australian Standards.

In relation to the impact of the excavation, it is noted that the acceptable development standard of the Residential Design Codes states there are no limit to the amount of excavation within a site and behind a street setback line. Excavation, in this instance, is not considered to have an undue impact on the neighbours or the streetscape in terms of visual impact or privacy as the retaining walls would be below natural ground level. Hence, the requirement for consultation is not considered to be required in this instance.

Notwithstanding the above, the Town's Planning Officers have since had a meeting with the owners/occupiers of the eastern adjoining neighbour regarding the proposal and the possibility of the above excavation. The subject owners/occupiers has viewed the plans and have verbally indicated to the Town's Officers that they have no objections to the current proposal or the excavation should it be required.

The above amendments would require a Certified Practising Consulting Engineer's certification confirming the capability of the subject site and adequacy of the proposed foundations, for the development and a further review of the requirements of the Building Codes of Australia.

Clause/condition (i) of the previous Officer Recommendation has since been updated and clause/condition (iv) has been amended to address the requirement of a Certified Practising Consulting Engineer's certification confirming the capability of the subject site to accommodate the above mentioned retaining walls.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 23 August 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 JB Gangemi on behalf of the owners J P & J B Gangemi for proposed Two-Storey Single House with Basement and Undercroft Carparking, at No. 2 (Lot 3 D/P: 24107) Bream Cove, corner Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 11 August 2005 (excluding elevation plans) and 12 August 2005 (elevation plans), subject to:

- (i) no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Joel Terrace boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect. The solid portion of any new fence and gates adjacent to Bream Cove from six metres from the southern 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) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum overall height of the dwelling being 7.0 metres from natural ground level. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *a Certified Practising Consulting Engineer's certification confirming the capability of the subject site and adequacy of the proposed foundations, for the development, taking into account the geotechnical and/or hydrogeological composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence; and*
- (v) *the proposed pool does not form part of the Planning Approval and is subject to a separate Swimming Pool Licence being submitted to and approved by the Town.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted subject to the following amendments:

AMENDED TITLE:

<p>10.1.11 No. 2 (Lot 3 D/P: 24107) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed Two <u>Three</u> -Storey Single House with <u>Including</u> Basement and Undercroft Carparking</p>

AMENDED OFFICER RECOMMENDATION PREAMBLE:

"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 JB Gangemi on behalf of the owners J P & J B Gangemi for proposed ~~Two~~ Three -Storey Single House ~~with~~ Including Basement and Undercroft Carparking, at No. 2 (Lot 3 D/P: 24107) Bream Cove, corner Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 11 August 2005 (excluding elevation plans) and 12 August 2005 (elevation plans), subject to:"

AMENDED DETAILS:

The proposal involves a ~~two~~ three -storey single house ~~with~~ including basement and undercroft carparking at the subject property.

AMENDED ASSESSMENT TABLE:

<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>- Upper Floor East</i>	<i>4.7 metres (or 1.7 metres if balcony was screened to full height)</i>	<i>1.2 metres</i>	<i>Supported- refer to "Setbacks- Garage/Semi Basement Floor-East".</i>

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Ker

That the Item be deferred for further investigation.

CARRIED (6-2)

For

*Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Messina
Cr Torre*

Against

*Cr Lake
Cr Maier*

(Cr Farrell on leave of absence.)

<i>Landowner:</i>	<i>JB and JP Gangemi</i>
<i>Applicant:</i>	<i>JB Gangemi</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20</i>
<i>Existing Land Use:</i>	<i>Vacant</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>352 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

The Council at its Ordinary Meeting held on 17 December 2002 resolved to conditionally approve an application for a two-storey single house on the subject lot.

DETAILS:

The proposal involves a two-storey single house with basement and undercroft carparking at the subject property. The subject lot was created as part of the subdivision of Lots 229-232 Pakenham Street and is subject to the Town's Policy relating to the Walter Brook Design Guidelines. The applicant's submission is "Laid on the Table".

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Setbacks: - Garage/Semi Basement Floor East</i>	<i>1.5 metres</i>	<i>1.2 metres</i>	<i>Supported- no undue impact on neighbour or streetscape. Furthermore, Walter Brook Design Guidelines allow for a nil side setback.</i>
<i>-Lower Floor North</i>	<i>3.8 metres</i>	<i>1.0 metre (pool screening), 2.4-4.4 metres (main building)</i>	<i>Supported-pool screening is of light weight material, building setback is minor variation, irregular shape of subject boundary and no undue impact on neighbour.</i>
<i>East</i>	<i>1.8 metres</i>	<i>1.2 metres</i>	<i>Supported- refer to "Setbacks- Garage/Semi Basement Floor-East".</i>
<i>- Upper Floor East</i>	<i>4.7 metres (or 1.7 metres if balcony was screened to full height)</i>	<i>1.2 metres</i>	<i>Supported- refer to "Setbacks- Garage/Semi Basement Floor-East".</i>
<i>Building Height</i>	<i>Height of dwellings is to be sympathetic to adjacent properties and streetscape.</i>	<i>Overall height up to 9.8 metres</i>	<i>Not supported- has been conditioned to comply with maximum concealed two-storey dwelling height, as adjacent Lot 1 and 2 are compliant with building height requirements for two-storey dwellings. Compliance with matter may be achieved through reducing the floor to ceiling height, lowering ground finished floor level and redesign of roof.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection</i>	<i>Nil</i>		<i>Noted</i>

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

** 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:

With the exception of building height which has been conditioned in the Officer Recommendation, the subject proposal is generally considered to be compliant with Town's Policy relating to Walter Brook Design Guidelines which encourages contemporary and innovation dwellings which is sympathetic to the adjacent properties and streetscape, with particular emphasis being on design, built form and the amenity of the adjoining residents.

In light of the above and no objections being received by the adjoining neighbours, the planning application is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report."

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

Ward:	North	Date:	6 September 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		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

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:

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

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 is 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.

10.1.7 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:	2 September 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:	-

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.)

Landowner:	L A Ingram
Applicant:	LA Ingram
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:	630 square metres
Access to Right of Way	East side, 5 metres wide, unsealed, privately owned

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:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65 - 409.5 square metres	0.379- 239.26 square metres	Supported - compliant with R Codes requirements.
Setbacks: South (Garage/Games Room)	1.5 metres	0.21 - 0.26 metre	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.

<p>Buildings on Boundary: South (Garage/Games Room)</p>	<p>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)</p>	<p>5.5 (top of eaves) and 6.5 metres (top of roof pitch)</p>	<p>Supported - no undue impact as the wall abuts an existing shed and a large tree that reduces the visual impact of the wall.</p>
<p>Garage/Games Room: Use</p>	<p>Not to be used for industrial, commercial or habitable purposes (condition included on previous Planning Approval)</p>	<p>To be used for habitable purposes.</p>	<p>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.</p>
<p>Front Fence</p>	<p>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</p>	<p>Solid portion 1.89 - 1.97 metres high. Piers with decorative capping to 2.3 metres and Fitzgerald Street is a District Distributor.</p>	<p>Not supported - conditioned to comply included in the Officer Recommendation.</p>

	walls and fences to roads that are classified as District Distributor Roads. In these instances, the 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.	
Consultation Submissions		
Support	Nil	Noted.
Objection (1)	<ul style="list-style-type: none"> Size and dimensions of boundary wall are larger than previous approval. 	Noted.
	<ul style="list-style-type: none"> Changes should be rejected outright by the Council. 	Noted.
	<ul style="list-style-type: none"> Overshadowing 	Not supported - the application is compliant with R Codes Design for Climate provisions.
	<ul style="list-style-type: none"> No consent was given for permission to enter land. 	Noted - not a consideration of this planning application and is a civil matter.
	<ul style="list-style-type: none"> No indemnity insurance provided by neighbours. 	Noted - not a consideration of this planning application and is a civil matter.
	<ul style="list-style-type: none"> 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. 	Noted - not a consideration of this planning application and is a civil matter.
	<ul style="list-style-type: none"> Submitted plans show 'cavity face brick'...unsafe. 	Not supported - structural engineers report outlines adequacy of structure.
	<ul style="list-style-type: none"> Effect of the development on potential of development on neighbouring property. 	Not supported - see comments below.
	<ul style="list-style-type: none"> The proposed boundary wall is not a parapet wall. 	Not supported - see comments below.

	<ul style="list-style-type: none"> Privacy issues associated with the games room. 	Not supported - the application is compliant with R Codes Privacy provisions.
Consultation Submissions		
	<ul style="list-style-type: none"> Use of the property cannot be policed and could be used as rental accommodation. 	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.
	<ul style="list-style-type: none"> Building is significantly different and will have a significant financial impact on adjoining property owner. 	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.
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:

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.

10.1.3 No.501 (Proposed Lot 156 from Lot 155 D/P: 24637) Fitzgerald Street, Corner Sholl Lane, North Perth - Proposed Two-Storey Single House

Ward:	North	Date:	5 September 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO1432; 5.2005.3045.1
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 the owner C Cafarelli for proposed Two-Storey Single House, at No.501 (proposed Lot 156 from Lot 155 D/P: 24637) Fitzgerald Street, corner Sholl Lane, North Perth, and as shown on plans stamp-dated 1 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 Sholl Lane boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the wall height as projected above the eaves being a maximum of 65 courses along the southern rear elevation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

- (iv) *subject to first obtaining the consent of the owners of No. 2 Sholl Lane for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 2 Sholl Lane and Fitzgerald Street in a good and clean condition.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That clause (iii) be amended as follows (and the Assessment Table be amended to comply):

- "(iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the wall height as projected above the eaves being a maximum of 65 courses (or 5.6 metres above finished floor level) along the ~~southern~~ northern rear elevation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and"*

AMENDED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Wall Height	6.0 metres	6.4-6.8 metres on rear southern northern elevation	Not supported- undue impact on southern northern neighbour. However, 5.7-6.1 metres (65 courses, as per front northern southern elevation) is supported due to slope of land. This matter has been conditioned accordingly, as agreed by the applicant.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

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

- "(v) concessions granted for this application should not be regarded as a precedent for any development application for the lot fronting Fitzgerald Street."*

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (7-1)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.3

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 C Cafarelli for proposed Two-Storey Single House, at No.501 (proposed Lot 156 from Lot 155 D/P: 24637) Fitzgerald Street, corner Sholl Lane, North Perth, and as shown on plans stamp-dated 1 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 Sholl Lane boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the wall height as projected above the eaves being a maximum of 65 courses (or 5.6 metres above finished floor level) along the northern rear elevation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *subject to first obtaining the consent of the owners of No. 2 Sholl Lane for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 2 Sholl Lane and Fitzgerald Street in a good and clean condition;*
- (v) *concessions granted for this application should not be regarded as a precedent for any development application for the lot fronting Fitzgerald Street; and*
- (vi) *the "Assessment Table" being amended as follows:*

"Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Wall Height	6.0 metres	6.4-6.8 metres on rear <u>northern</u> elevation	<i>Not supported- undue impact on northern neighbour. However, 5.7-6.1 metres (65 courses, as per front southern elevation) is supported due to slope of land. This matter has been conditioned accordingly, as agreed by the applicant."</i>

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

BACKGROUND:

The subject site has an extensive history relating to the (partial) demolition of the building that was previously on-site. The most recent background of the subject property is as follows:

16 December 2003 The Council at its Ordinary Meeting resolved to conditionally approve the demolition of existing single house and construction of a two-storey single house.

- 20 April 2004 The subdivision to create the subject lots was granted conditional approval by the Western Australian Planning Commission.
- 7 December 2004 The Council at its Ordinary Meeting resolved to refuse an application for proposed two (2) two-storey single houses at No(s). 501 Fitzgerald Street and 2A Sholl Lane (Lot 155 - proposed Lots 156 and 157).
- 3 March 2005 The Town refused, under delegated authority from the Council an application for proposed two (2) two-storey single houses at No(s). 501 Fitzgerald Street and 2A Sholl Lane (Lot 155 - proposed Lots 156 and 157).

DETAILS:

The proposal involves a two-storey single house fronting Sholl Lane at proposed Lot 156 to be created from the subject property. An overshadowing diagram was not considered to be required in this instance, as the subject property abuts a dedicated road and commercial use on the southern side.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65- 140 square metres	0.88- 189 square metres	Supported- no undue impact on streetscape and plot ratio is consistent with the plot ratio of development on No. 2 and No.4 Sholl Lane.
Privacy Setbacks	Balconies-7.5 metres	Balcony is 7.08 metres to property on southern side of Sholl Lane.	Supported- minor variation in this instance, overlooks commercial use and provides casual surveillance of and interaction with Sholl Lane.
Setbacks: Ground floor - Front (south)	2.5 metres to main building; 1.5 metres to portico	2.1-3.0 metres to main building; 1.0 metre to portico	Supported- established streetscape of similar reduced setbacks.
- East	1.2 metres	Nil	Supported- internal boundary.
- Garage (south)	Garages setback at 6.0 metres from the frontage street, or behind the line of the front main building.	Garage setback 1.0 metre, in front of main building line.	Supported- established streetscape of similar reduced setbacks.

- West	1.5 metres	Nil	Supported- wall abuts existing parapet wall.
1st Floor - Front (south)	6.0 metres	1.0-1.96 metres	Supported- established streetscape of similar reduced setbacks.
- West	1.3 metres	Nil	Supported- wall abuts existing parapet wall.
- East	1.2 metres	Nil	Supported- internal boundary.
Wall Height	6.0 metres	6.4-6.8 metres on rear southern elevation	Not supported- undue impact on southern neighbour. However, 5.7-6.1 metres (65 courses, as per front northern elevation) is supported due to slope of land. This matter has been conditioned accordingly, as agreed by the applicant.
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Two boundary walls proposed: Western boundary wall has an average height of 6.6 metres and a maximum height of 7.5 metres, for 56.85 % of boundary; and	Supported- western wall abuts existing parapet wall and established streetscape of similar buildings on boundary.
		Eastern boundary wall has an average height of 7.0 metres and a maximum height of 8.0 metres, for 53.5 % of boundary.	
Consultation Submissions			
The proposal was not required to be advertised as the subject proposal is similar to the previous plans which has been advertised within the last twelve months and does not involve any greater variation to the development requirements from the previous plans. One submission was received in the previous consultation period and is addressed below:			
Support	N/A		N/A
Objection (1)	Non-compliance with: Plot ratio Building height Privacy Parapet wall		Not supported- refer to above. Supported in part- refer to above. Supported- has been conditioned to comply. Not supported - refer to above.

	Open space	Not supported- open space shown on current plans compliant with relevant R-Codes requirements.
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:

With the exception of privacy and wall height, which has been conditioned in the Officer Recommendation, the variations sought are considered to be supportable, consistent with the established streetscape and not to have undue impact on the adjoining neighbours and streetscape.

In light of the above and the objections being addressed as above, the planning application is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.4 No. 64 (Lot 28 D/P: 1049) Bourke Street, Leederville - Proposed Additional Two-Storey Single House to Existing Single House

Ward:	North	Date:	2 September 2005
Precinct:	Leederville; P3	File Ref:	PRO3087; 5.2005.2696.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Perceptions on behalf of the owner C N & M N Bounsall for proposed Additional Two-Storey Single House to Existing Single House, at No. 64 (Lot 28 D/P: 1049) Bourke Street, Leederville, and as shown on plans stamp-dated 21 July 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *subject to first obtaining the consent of the owners of Nos. 62 and 66 Bourke Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 62 and 66 Bourke Street in a good and clean condition;*
- (iii) *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) *truncated, or the maximum height of the solid portion being reduced to 0.65 metre above the adjacent footpath level for a minimum length of 1.5 metres from - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street and right of way, and where two streets intersect; and*
- (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);*

Note:

The applicant/owner is advised that under the requirements of the Dividing Fences Act, they are required to reach an agreement with the affected adjoining land owners should there be a need to remove the existing dividing fence prior to the construction of the parapet wall.

The structural integrity of the safety pool fencing shall be maintained at all times as required under Section 245A of the Local Government Act and Part 10 of the Building Regulations 1989 as amended.

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

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

"(v) prior to issue of a Building Licence, revised plans shall be submitted and approved demonstrating a pedestrian access way/service corridor with a minimum width of 1.5 metres being provided and constructed from Bourke Street to the proposed rear site/dwelling. The pedestrian access way can be reduced to 1.2 metres to 1.3 metres where it abuts the existing dwelling. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

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 Perceptions on behalf of the owner C N & M N Bounsall for proposed Additional Two-Storey Single House to Existing Single House, at No. 64 (Lot 28 D/P: 1049) Bourke Street, Leederville, and as shown on plans stamp-dated 21 July 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of Nos. 62 and 66 Bourke Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 62 and 66 Bourke Street in a good and clean condition;*
- (iii) 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) *truncated, or the maximum height of the solid portion being reduced to 0.65 metre above the adjacent footpath level for a minimum length of 1.5 metres from - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street and right of way, and where two streets intersect;*
- (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); and*
- (v) *prior to issue of a Building Licence, revised plans shall be submitted and approved demonstrating a pedestrian access way/service corridor with a minimum width of 1.5 metres being provided and constructed from Bourke Street to the proposed rear site/dwelling. The pedestrian access way can be reduced to 1.2 metres to 1.3 metres where it abuts the existing dwelling. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Note:

The applicant/owner is advised that under the requirements of the Dividing Fences Act, they are required to reach an agreement with the affected adjoining land owners should there be a need to remove the existing dividing fence prior to the construction of the parapet wall.

The structural integrity of the safety pool fencing shall be maintained at all times as required under Section 245A of the Local Government Act and Part 10 of the Building Regulations 1989 as amended.

ADDITIONAL INFORMATION:

A copy of the revised survey strata plan, which shows a pedestrian access way from Bourke Street to the proposed rear site/lot along the eastern boundary, is attached for the Council's information.

Landowner:	C N & M N Bounsall
Applicant:	Perceptions
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:	478 square metres
Access to Right of Way	North side, 3 metres wide, unsealed, privately owned

BACKGROUND:

- 9 March 2004 Western Australian Planning Commission resolved to refuse an application for the survey strata subdivision of the subject lot.
- 29 April 2004 Reconsideration of revised plans was assessed by the Town and conditional approval was recommended to the Western Australian Planning Commission.
- 5 April 2005 Western Australian Planning Commission resolved to not support the request for reconsideration of the survey strata subdivision on the grounds that the applicant failed to demonstrate that the proposed rear lot will have suitable vehicular/pedestrian access.

DETAILS:

The proposal involves the construction of an additional two-storey dwelling to the rear of the existing house with vehicular access being obtained off the right of way.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 40	2 dwellings R40	Supported - proposed site areas comply with the minimum site area requirement of the R Codes.
Plot Ratio	N/A	N/A	N/A
Setbacks: - west elevation (ground floor)	1.5 metres	Nil - 1.15	Supported - considered to have no undue impact on adjoining neighbour in terms of overshadowing, height and length of wall. Supported - support from adjoining neighbour provided for portico on boundary.
- east elevation (ground floor)	1.5 metres	Nil to 1.5 metres	
Pedestrian Access Way	1.5 metres wide	1.2 - 1.5 metres	Supported - the Town has previously approved reduced width pedestrian access ways of 1.2 - 1.3 metres where it abuts the existing dwelling.
Consultation Submissions			
Support (1) (part)	<ul style="list-style-type: none"> support to porch being located on eastern boundary 		Noted
Objection (2)	<ul style="list-style-type: none"> obscure glazing requested to first floor windows to bathrooms and stairs on eastern boundary. 		Not supported - non-habitable room, however applicants are prepared to consider obscure glazing.

	<ul style="list-style-type: none"> objection to a second parapet wall on the boundary of the adjacent property, 1.5 metres setback is requested to the western boundary to ensure no overshadowing or undue impact. concern regarding swimming pool safety due to removal of fence. 	<p>Not supported - considered to have no undue impact on adjoining neighbour in terms of overshadowing, height and length of wall. Existing boundary fence is approximately 2.5 metres high.</p> <p>Not supported - a civil matter between neighbours.</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:

Advertising Consultation

The proposal was advertised for 14 days in which time two (2) written submissions were received. One comment within a submission was in support of the portico on the boundary and another comment was requesting obscure glazing to the first floor. A second submission was in objection to the western wall on boundary. These are addressed in the Assessment Table.

Right of Way

The latest resolution by the Western Australian Planning Commission was to not support the request for reconsideration of the survey strata subdivision on the grounds that the applicant failed to demonstrate that the proposed rear lot will have suitable vehicular/pedestrian access.

The Town's Technical Services assessed the proposed development and requested that in order to facilitate vehicle manoeuvring from and to the right of way, the garage opening is to be setback 1.0 metre from the west boundary with an increased opening to the garage of 5.4 metres.

The applicant has submitted revised plans as attached which address the requirements of the Town's Technical Services. Considering this, the Town believes that the proposed dwelling to rear has identified suitable vehicle access.

Summary

The variations sought by the applicant are supportable and considered to have no undue impact on the adjacent properties, and the amenity of the area.

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

10.1.5 No. 11 (Lot 4040 D/P: 43310) Selden Street, North Perth – Proposed Additional Two (2) Two-Storey Single Houses to Existing Two-Storey Single House (Under Construction)

Ward:	North	Date:	6 September 2005
Precinct:	North Perth; P8	File Ref:	PRO2580; 5.2005.2906.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by E Oostveen on behalf of the owner Rockcity Holdings Pty Ltd for Proposed Additional Two (2) Two-Storey Single Houses to Existing Two-Storey Single House (under construction), at No. 11 (Lot 4040 D/P: 43310) Selden Street, North Perth, and as shown on plans stamp-dated 10 June 2005 (first floor plan and east and west elevations) and 23 June 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of No. 13 Selden 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. 13 Selden Street in a good and clean condition;*
- (iii) any new street/front wall, fence and gate between the Selden Street boundary and the main buildings, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iv) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling and the common boundary wall between Units 2 and 3;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Selden Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating design features being provided to the rear/western carport walls (abutting the theatre room) to provide visual interest to the front elevation.*

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 10.1.5

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

MOTION CARRIED (7-1)

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

(Cr Torre was an apology.)

Landowner:	Rockcity Holdings Pty Ltd
Applicant:	E Oostveen
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House Under Construction
Use Class:	Single House
Use Classification:	"P"
Lot Area:	976 square metres
Access to Right of Way	N/A

BACKGROUND:

- 10 February 2004 Council at its Ordinary Meeting resolved to:
1. conditionally approve the demolition of the existing house; and
 2. refuse the application for three (3) two-storey dwellings.
- 24 February 2004 The Council at its Ordinary Meeting resolved to conditionally approve three (3) two-storey single houses on the subject property.

DETAILS:

The applicant requests Planning Approval for modified plans to Units 2 and 3 of the three (3) two-storey single houses conditionally approved by the Council on 24 February 2004.

The significant difference between the current planning application and the previous planning approval is that the floor plan of Unit 3 has been mirrored. The following conditions were also required to be addressed and placed on the Planning Approval granted on 24 February 2004:

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

- (a) a decrease in the building heights to comply with the Residential Design Codes requirement of 6.0 metre wall height and 7.0 metre concealed roof height; and*
- (b) design features being provided to the rear/western carport walls (abutting the lounge rooms) to provide visual interest to the front elevation.*

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R30/40 3 dwellings - R30 4 dwellings - R40	3 dwellings R 30	Noted
Plot Ratio	N/A	N/A	N/A
Setbacks: Unit 2 North - ground floor	1 metre	Nil - 3.5 metres	Supported - common boundary to Unit 3, both units have building on boundary.
- first floor	1.5 metres	Nil - 3.5 metres	Supported - as above

South - ground floor	1.5 metres	Nil	Supported - common boundary to Unit 1 (not part of this application), both units have building on boundary.
- first floor	2.3 metres	1.525 metres	Supported - no undue impact on adjoining Unit 1 which is built up to the boundary.
Unit 3			
North - ground floor	1.5 metres	Nil	Supported - approval from adjoining neighbour provided and no undue impact on neighbour.
- first floor	2.1 metres	1.68 metres	Supported - as above
South - ground floor	1.5 metres	Nil - 3.5 metres	Supported - common boundary to Unit 2, both units have building on boundary.
- first floor	1.5 metres	Nil - 3.5 metres	Supported - as above.
Consultation Submissions			
Support (1)	No objection to increased length of building on boundary		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:

Advertising for the proposed dwellings was not undertaken as support by the northern neighbour for the building on boundary of Unit 3 was submitted.

The new application meets the conditions placed by the Council at its Meeting held on 24 February 2004 except for condition (iv) (b). This is conditioned in the Officer Recommendation. The additional variations requested to the north of unit 3 have no undue impact on the adjoining property and the surrounding area.

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

10.1.8 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:	2 September 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:	-

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.)

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

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:

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

* 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

Requirements as per Parking and Access Policy	Required
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Eating House - existing 69.8 square metres and proposed alfresco addition 24 square metres) - 20.84 car bays 	21 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) ▪ 0.80 (within 400 metres of a rail station) ▪ 0.90 (within District Centre zone) 	(0.4896) 10.28 car bays
Minus the car parking provided on-site	3 car bays (number which has been allocated to subject premises)
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	5 car bays
Resultant Shortfall	2.28 car bays

Bicycle Parking Facilities

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

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed development requires the provision of 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.

10.1.10 No. 17 (Lot 7 D/P: 11538) Green Street, Corner London Street, Mount Hawthorn - Proposed Demolition of Existing Caretakers Residence and Shop and Construction of a Two-Storey Mixed Use Development Comprising Five (5) Offices and Four (4) Multiple Dwellings

Ward:	North	Date:	6 September 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO0375; 5.2005.2915.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Butto and Associates Architects on behalf of the owner M Emery and P Wutke for proposed Demolition of Existing Caretakers Residence and Shop and Construction of a Two -Storey Mixed Use Development Comprising Five (5) Offices and Four (4) Multiple Dwellings, at No. 17 (Lot 7 D/P: 11538) Green Street, corner London Street, Mount Hawthorn, and as shown on plans stamp-dated 13 June 2005 (Existing Site and Floor Plans), 22 July 2005 (First Floor Plot Ratio Plan) and 29 July 2005 (Site Plan, Floor Plans, Elevations, Overshadowing Plan and Perspective), subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (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) *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 (\$5,590) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$5,590, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development 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);*
- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

- (vii) *subject to first obtaining the consent of the owners of No. 19 Green 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. 19 Green Street in a good and clean condition;*
- (viii) *the gross floor area of the office component shall be limited to a maximum of 391 square metres;*
- (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 multiple dwellings that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xi) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xii) *prior to the first occupation of the development, four (4) car parking spaces being provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the bin compound being constructed in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*

Residential

1 x Mobile Garbage Bin per Unit

1 x General Recycle Bin per 2 Units

Commercial

1 x Mobile Garbage Bin per Unit

1 x Paper Recycle Bin per Unit, or per 200 square metres of floor space;

- (b) the car parking bays fronting the southern dedicated road being setback a minimum of 6 metres from the southern side of that road;*
- (c) all car parking bays complying with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking", including one car parking bay for people with disabilities; and*
- (d) the balconies to Units 1, 2, 3 and 4 on the upper level having minimum dimensions of 2.0 metres.*

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

- (xiv) doors, windows and adjacent floor areas fronting Green and London Streets shall maintain an active and interactive relationship with these streets;*
- (xv) 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;*
- (xvi) the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and 600 millimetres from the kerb line of Green and London Streets;*
- (xvii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$7,920 for the equivalent value of 3.168 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;*
- (xviii) prior to first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owners(s)' full expense;*
- (xix) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xx) 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;*
- (xxi) prior to the first occupation of the development, two (2) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (xxii) the on-site car parking provided for the offices shall be available for use by the multiple dwellings outside the normal business hours of the offices.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the chamber at 7.31pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Farrell

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

"(iii) the two (2) car parking bays area for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;"

Debate ensued.

AMENDMENT CARRIED (7-0)

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

Cr Messina returned to the chamber at 7.33pm.

Debate ensued.

MOTION AS AMENDED CARRIED (5-3)

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

(Cr Torre was an apology.)

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 S Butto and Associates Architects on behalf of the owner M Emery and P Wuttke for proposed Demolition of Existing Caretakers Residence and Shop and Construction of a Two -Storey Mixed Use Development Comprising Five (5) Offices and Four (4) Multiple Dwellings, at No. 17 (Lot 7 D/P: 11538) Green Street, corner London Street, Mount Hawthorn, and as shown on plans stamp-dated 13 June 2005 (Existing Site and Floor Plans), 22 July 2005 (First Floor Plot Ratio Plan) and 29 July 2005 (Site Plan, Floor Plans, Elevations, Overshadowing Plan and Perspective), subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) *the two (2) car parking bays for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (iv) *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) *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 (\$5,590) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$5,590, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development 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);*
- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) *subject to first obtaining the consent of the owners of No. 19 Green 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. 19 Green Street in a good and clean condition;*
- (viii) *the gross floor area of the office component shall be limited to a maximum of 391 square metres;*
- (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 multiple dwellings that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xi) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with*

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

(xii) *prior to the first occupation of the development, four (4) car parking spaces being provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*

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

(a) *the bin compound being constructed in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*

Residential

1 x Mobile Garbage Bin per Unit

1 x General Recycle Bin per 2 Units

Commercial

1 x Mobile Garbage Bin per Unit

1 x Paper Recycle Bin per Unit, or per 200 square metres of floor space;

(b) *the car parking bays fronting the southern dedicated road being setback a minimum of 6 metres from the southern side of that road;*

(c) *all car parking bays complying with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking", including one car parking bay for people with disabilities; and*

(d) *the balconies to Units 1, 2, 3 and 4 on the upper level having minimum dimensions of 2.0 metres.*

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

(xiv) *doors, windows and adjacent floor areas fronting Green and London Streets shall maintain an active and interactive relationship with these streets;*

(xv) *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;*

(xvi) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and 600 millimetres from the kerb line of Green and London Streets;*

- (xvii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$7,920 for the equivalent value of 3.168 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;*
- (xviii) *prior to first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owners(s)' full expense;*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xx) *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;*
- (xxi) *prior to the first occupation of the development, two (2) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (xxii) *the on-site car parking provided for the offices shall be available for use by the multiple dwellings outside the normal business hours of the offices.*

ADDITIONAL INFORMATION:

The above Amended Recommendation would result in 2 'office car bays' being set aside for the common use of all the office tenancies on-site, and is considered not to undermine the rights of the office tenants.

Landowner:	M Emery and P Wuttke
Applicant:	S Butto and Associates Architects
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Local Centre (R60)
Existing Land Use:	Office and Caretakers Residence
Use Class:	Multiple Dwelling and Office
Use Classification:	"AA" and "P"
Lot Area:	647 square metres
Access to Right of Way	N/A (South side, 4 metres wide dedicated road)

BACKGROUND:

- 22 September 1997 Council, at its Ordinary Meeting, resolved to conditionally approve proposed new shop building and boundary fencing to London Street.
- 14 April 1998 Council, at its Ordinary Meeting, resolved to refuse proposed change of use from caretakers residence to consulting rooms.

12 July 1999 Council, at its Ordinary Meeting, resolved to conditionally approve proposed construction of an eating house and change of use from caretakers residence to office.

DETAILS:

The proposal involves proposed demolition of existing caretakers residence and shop and construction of a two-storey mixed use development comprising five (5) offices and four (4) multiple dwellings. The Town's Officers note that the abovementioned approval determined by the Council at its Ordinary Meeting held on 12 July 1999 was never constructed.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4 multiple dwellings (site area 647 square metres plus 18.68 square metres for the truncation in accordance with R Codes clause 3.1.2 A2 (i)) - R 60	4 multiple dwellings - R 60	Supported - compliant with R Codes requirements.
Plot Ratio	0.70 - 465.98 square metres	0.49 - 326.18 square metres	Supported - compliant with R Codes requirements.
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Setbacks (for residential component only): Units 1, 2, 3 and 4 Upper Floor - West Bedrooms 1 and 2 and bathroom	3.3 metres	1.5 metres	Supported - no undue impact as adjacent lot which is occupied with a commercial land use.
Mt Hawthorn Precinct Statement: Land Use	Small scale shops and similar uses are to be provided within these areas to serve the day to day convenience shopping needs of local residents	5 offices proposed	Supported - the proposal is considered to improve the general amenity of the area and the applicant has indicated an office land use to be more viable in the area. The Town's Officers also consider the

			nearby Dog Swamp Shopping Centre to invade the catchment area of the subject Local Centre area for retail convenience good land uses; and therefore support office land uses within the development.
Building Height and Scale	Should be of a low height and scale similar to existing buildings and compatible.	6.3 metres to the top of the eaves (roof above) on south elevation.	Supported - south elevation is affected by sloping nature of site, the variation is considered minor in nature and has no undue impact on the area.
Balconies	Balconies with minimum dimensions of 2 metres	Balconies to Units 1,2,3 and 4 have a minimum dimension of 1.5 metres,	Not Supported - conditioned to comply with clause (2) (iii) of the Mt Hawthorn Precinct Policy.
Significant Tree List	Liquid Amber tree on the Town's Trees of Significance Inventory-Database contained within the site.	Proposal includes removal of significant tree.	Liquid Amber tree is on the Town's Trees of Significance Inventory Database-Reference, but the Town's Parks Services have advised that the tree is not significant enough to warrant retention.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for on-site parking contained in the mixed use development requirements from the Residential Design Codes (R Codes) clause 4.2.1. The residential component requires 4 car bays. A total of 4 car bays have been allocated for the residential uses.

A total of 6 car bays have been provided for the entire development, 4 of these bays must be for the exclusive use of the residential component of the development and 2 may be provided for the proposed office land uses.

Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Car Parking Requirement (nearest whole number) - Office (391 square metres)- 7.82 carbays	8 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (mixed use development) ▪ 0.95 (within 400 metres of car park with excess of 25 car parking bays) 	(0.646) 5.168 car bays
Minus car parking on-site	2 car bays
Minus the most recently approved on-site parking shortfall	N/A
Resultant shortfall	3.168 car bays

Bicycle Parking Facilities

Requirements	Required	Provided
Office 1 per 200 (proposed 391) square metres gross area (class 1 or 2).	1.955 spaces	No class 1 or 2 facilities provided.
1 space per 750 square metres over 1000 square metres for visitors.	N/A	N/A

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of 2 class 1 or 2 bicycle parking bays, being 1.955 spaces rounded to the nearest whole number. This requirement is included in the Officer Recommendation.

COMMENTS:

Demolition

In light of preliminary investigations, the Town's Officers do not consider a full heritage assessment is necessary for the proposed demolition of the subject property at No.17 Green Street.

The subject property was constructed c1955 during the Post War period of development in Perth. The place is characteristic of the Post War International Style architecture predominant in Perth at the time, with its low pitched gable roof and widely projecting eaves. The place is constructed of cement brick with large fixed panels of glazing to the front of the building.

The subject property is considered to be of little aesthetic, historic, scientific or 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.

Cash-in-lieu of Car Parking

The Town's Officers are supportive of cash-in-lieu of car parking provision, as contained in a condition in the Officer Recommendation, on the basis of the mixed use nature of the proposal and the low occupancy rate of nearby parking facilities including the Dunedin Street Car Park.

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.

Consultation/Advertising

The application was advertised for 14 days in accordance with the Town's "AA" advertising procedure. No written submissions were received during this time. The Town is in receipt of correspondence from the Department for Planning and Infrastructure dated 28 June 2005 indicating support for the subject proposal, subject to the removal of the existing crossover to London Street and the reinstatement of the kerb line. This is included in the Officer Recommendation.

Dedicated Road Width

The southern dedicated road is actually 5 metres wide and not 6 metres as indicated on the plans. To ensure adequate manoeuvring for vehicles, the Town's Officers have included a condition in the Officer Recommendation for at least 6 metres manoeuvring room being provided from the car parking bays.

Non Residential/Residential Development Interface.

The proposed development is adjacent to the Residential zone along London Street. There are no privacy encroachments, no submissions were received during the advertising period and the proposal does not unduly affect the amenity of the Residential zone to the south of the subject site.

Summary

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

10.1.11 No. 396 (Lot Pt 116 D/P: 3002) Charles Street, Corner Mabel Street, North Perth - Proposed Demolition of Existing Outbuilding (Shed) and Alterations and Additions to Existing Shop (Beauty Salon)

Ward:	North	Date:	2 September 2005
Precinct:	North Perth; P08	File Ref:	PRO2811; 5.2005.3041.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D M Kellett on behalf of the owners D R and D M Kellett for proposed Demolition of Existing Outbuilding (Shed) and Alterations and Additions to Existing Shop (Beauty Salon), at No. 396 (Lot Pt 116 D/P: 3002) Charles Street, corner Mabel Street, North Perth, and as shown on plans stamp-dated 4 July 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to issue of a Building Licence, revised plans shall be submitted and approved demonstrating the removal of car bays 9 and 10 and the realignment of carbay 8 so that the footpath is not required for manoeuvring. All car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking". The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) the floor areas shall be limited to a maximum of:*
 - (a) 192 square metres of gross floor area for the shop component; and*
 - (b) 26 square metres of gross floor area for the office component;*

An increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;
- (v) doors, windows and adjacent floor areas fronting Charles and Mabel Streets shall maintain an active and interactive relationship with these streets; and*
- (vi) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr . . .

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

"(vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a barrier (kerbing) to be provided along the northern/Mabel Street boundary east of the crossover to prevent motor vehicles using the footpath. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;"

**AMENDMENT LAPSED
FOR WANT OF A SECONDER**

Debate ensued.

MOTION LOST (0-8)

(Cr Torre was an apology.)

Reasons:

- 1. The existing detracting of amenity for surrounding residents.**
- 2. Concerns regarding intensification of use of the site in its location.**
- 3. Inability to access some car parking without driving over the footpath.**

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

BACKGROUND:

14 September 2004 Council at its Ordinary Meeting resolved to conditionally approve proposed change of use from shop, office and showroom to shop (Beauty Salon) and associated signage (application for retrospective approval)

DETAILS:

The proposal involves demolition of existing outbuilding (shed) and alterations and additions to existing shop (Beauty Salon). The proposed alterations and additions include an extra 11.15 square metres of office gross floor space and 11.15 square metres of shop gross floor space.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking Requirements			
Car parking requirement (nearest whole number) -Beauty Therapist (Shop - 1 bay per 15 square metres of gross floor area) - 191.96 square metres requires 12.80 car bays -Office (1 bay per 50 square metres of gross floor area) - 25.17 square metres require 0.50 car bay			13 car bays
Apply the adjustment factors. ▪ 0.85 (within 400 metres of a bus stop)			(0.85) 11.05 car bays
Minus the car parking provided on-site			5 car bays
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) that is, 12 car bays (180.81 square metres for beauty salon) and 0.28 car bay (14.02 square metres for office) (nearest whole number) x 0.85 = 10.2 car bays minus the previous on site parking (4 car bays) = 6.2 car bays. Therefore, 6.2 car bays is the approved on-site parking shortfall			6.2 car bays
Resultant surplus			0.15 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:

Demolition

The Town's Officers consider the demolition of the outbuilding (shed) to be acceptable and that it does not require a full heritage assessment.

Car Parking

The Town's Technical Services have advised that there is no room for manoeuvring of vehicles from car bays 8, 9 and 10. These car bays are, therefore, not included in the car parking calculation and are included in the Officer Recommendation for removal. Technical Services have also advised that one car bay could be realigned in the place of car bays 8, 9 and 10. For this reason one (1) additional car bay is included in the car parking calculation.

Consultation

The proposal was advertised for 21 days in accordance with the Town's "SA" advertising procedure. No comments were received during this period.

Summary

The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

10.1.12 Nos. 193-195 (Lots 267, 268 and Y269 D/P: 3642) Scarborough Beach Road, corner The Boulevarde, Mount Hawthorn - Proposed Change of Use from Service Station to Plant Nursery (Unlisted Use) and Associated Signage

Ward:	North	Date:	2 September 2005
Precinct:	Mount Hawthorn; P1 (Lot 267) Mount Hawthorn Centre; P2 (Lots 268 and Y269)	File Ref:	PRO3020; 5.2005.3019.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Kelly on behalf of the owner B R Rispoli for proposed Change of Use from Service Station to Plant Nursery (Unlisted Use) and Associated Signage, at Nos. 193-195 (Lots 267, 268 and Y269 D/P: 3642) Scarborough Beach Road, corner The Boulevarde, Mount Hawthorn, and as shown on plans stamp-dated 27 June 2005 , subject to:

- (i) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (ii) the maximum area for the uses shall be limited as follows:*
 - display area - 377 square metres; and*
 - showroom/sales - 120 square metres;*
- (iii) any new street/front wall, fence and gate between the Scarborough Beach Road boundary and the main building and between The Boulevarde boundary and the main building, including along the side boundaries within the front setback areas, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion 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, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (f) *the solid portion adjacent to The Boulevard boundary from the truncation 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) *prior to any ground-disturbing activities being undertaken on the site, investigation for soil and groundwater contamination and completion of any remediation (including validation of remediation) shall be carried out to the satisfaction of the Town of Vincent, to ensure that the property can accommodate the proposed development (requirement of the Land and Water Quality Branch of the Department of Environment). Prior to any ground-disturbing activities being undertaken on the site, the applicant is to provide either, written evidence that the Town Of Vincent has been liaised with in regard to this matter and that the proposed development is acceptable, or written documentation from an Environmental Consultant or other suitably qualified person, certifying that the underground petrochemical tanks have been removed and the site remediated to an acceptable standard;*
- (v) *the signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) *the signage shall not have flashing or intermittent lighting;*
- (vii) *all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of its display on-site; and*
- (viii) *prior to the issue of a Building Licence or prior to the first occupation of the development, whichever occurs first, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence or prior to the first occupation of the development, whichever occurs first, 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 or first occupation of the development, whichever occurs first. All costs associated with this condition shall be borne by the applicant/owner(s).*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Farrell

That this application be considered as a retrospective approval as work has already commenced and therefore the appropriate retrospective fees be charged.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Messina

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

“(ix) car bays nine (9) and ten (10) be ‘Staff Only’ to minimise the amount of cars moving in that space.”

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.12

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Kelly on behalf of the owner B R Rispoli for proposed Change of Use from Service Station to Plant Nursery (Unlisted Use) and Associated Signage, at Nos. 193-195 (Lots 267, 268 and Y269 D/P: 3642) Scarborough Beach Road, corner The Boulevarde, Mount Hawthorn, and as shown on plans stamp-dated 27 June 2005 , subject to:

- (i) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (ii) the maximum area for the uses shall be limited as follows:*
 - display area - 377 square metres; and*
 - showroom/sales - 120 square metres;*

- (iii) *any new street/front wall, fence and gate between the Scarborough Beach Road boundary and the main building and between The Boulevard boundary and the main building, including along the side boundaries within the front setback areas, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion 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, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) *the solid portion adjacent to The Boulevard boundary from the truncation 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) *prior to any ground-disturbing activities being undertaken on the site, investigation for soil and groundwater contamination and completion of any remediation (including validation of remediation) shall be carried out to the satisfaction of the Town of Vincent, to ensure that the property can accommodate the proposed development (requirement of the Land and Water Quality Branch of the Department of Environment). Prior to any ground-disturbing activities being undertaken on the site, the applicant is to provide either, written evidence that the Town Of Vincent has been liaised with in regard to this matter and that the proposed development is acceptable, or written documentation from an Environmental Consultant or other suitably qualified person, certifying that the underground petrochemical tanks have been removed and the site remediated to an acceptable standard;*
- (v) *the signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) *the signage shall not have flashing or intermittent lighting;*
- (vii) *all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of its display on-site;*

- (viii) *prior to the issue of a Building Licence or prior to the first occupation of the development, whichever occurs first, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence or prior to the first occupation of the development, whichever occurs first, 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 or first occupation of the development, whichever occurs first. All costs associated with this condition shall be borne by the applicant/owner(s) and*
- (ix) *car bays nine (9) and ten (10) be 'Staff Only' to minimise the amount of cars moving in that space.*

Landowner:	B R Rispoli
Applicant:	R Kelly
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial; Residential R30
Existing Land Use:	Service Station
Use Class:	Plant Nursery - Unlisted Use
Use Classification:	"Unlisted Use"
Lot Area:	1315 square metres
Access to Right of Way	East side of Lot 267, 6 metres wide, sealed, owned by the Crown

BACKGROUND:

The Council at its Ordinary Meeting held on 18 January 2005 conditionally approved an application for a proposed Change of Use from Service Station to Car Wash Facility (Unlisted Use) and Eating House on the subject 3 lots.

DETAILS:

The proposal involves a change of use from service station to plant nursery (unlisted use) and associated signage. The nursery proposes to utilise the existing building and canopy for display areas along with the installation of garden display beds in the open.

The applicants have advised that the nursery will be open from 9.00am to 5.00pm, Wednesday to Sunday and Thursday nights until 9.00pm, inclusive, with a maximum of four (4) staff to be working at any one time.

The previous change of use approval issued on 18 January 2005 for a car wash facility did not proceed; therefore, the current use for the site is service station.

ASSESSMENT:

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

Consultation Submissions		
Support	Nil	Noted
Objection	Nil	Noted
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Car parking requirement (nearest whole number) Canopy - 94 square metres; Garden beds - 283 square metres; Showroom/sales area - 120 square metres. Total area 497 square metres - 1 bay per 50 square metres of display and sales area.		10 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop/station).		(0.85) 8.5 car bays
Minus the car parking provided on-site		10 car bays
Minus the most recently approved on-site car parking shortfall		Nil
Resultant Surplus		1.5 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:

Zoning

The existing zoning of Lots Y269 and 268 is Commercial, with Lot 267 being zoned Residential R30. The proposed use as a plant nursery (unlisted use) is considered to have less of an impact on the surrounding area and does not increase the intensity of the existing approved service station use.

Advertising Consultation

Assessment of the proposal has been undertaken as an Unlisted Use and considering that a Car Wash Facility (Unlisted Use) was recently approved on the site, no new structures are to be erected and that the proposal is less detrimental to the surrounding area than a service station, advertising for the plant nursery was undertaken as an "AA" use and advertised for 14 days. No submissions were received during this period.

Car Parking Requirement

The proposal includes the provision of 10 car bays on-site. Six (6) of the bays are provided off The Boulevard with four (4) bays being provided off the right of way to the east. No access is proposed to the site off Scarborough Beach Road.

The proposed change of use, which after applying the adjustment factors has a requirement of 8.5 car bays and a resultant surplus of 1.5 car bays.

Summary

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

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

Ward:	North	Date:	2 September 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3291; 5.2005.3110.1
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 M Taylor on behalf of the owner T M Martin for proposed Demolition of Existing Outbuilding (Shed) and Construction of Additional Single House 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 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;*
- (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 previous objection received.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

MOTION CARRIED (6-2)

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

(Cr Torre was an apology.)

Landowner:	T M Martin
Applicant:	M Taylor
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	541 square metres
Access to Right of Way	N/A

BACKGROUND:

13 April 2004 At its Ordinary Meeting, the Council refused an application for an additional single house and alterations to the existing house, for the following reasons:

- "1. The proposed development does not comply with the minimum 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."

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, 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."*

DETAILS:

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

The applicant requests the Council to reconsider the application. The current plans differ from the previous plans considered by the Council on 9 August 2005, in that the proposed crossover for the existing house accessed off Anzac Road indicated on the previous plans dated 7 June 2005 has been removed, the power pole on Anzac Road is proposed to be re-located and the car bays for the existing and proposed dwelling are now compliant with the requirements of the Residential Design Codes.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1.803 dwellings Residential R30	2 dwellings R36.97 10.9 per cent density bonus (average site area); 21.5 per cent density bonus (minimum site area for subject site).	Not supported - the Town's Officers are reflecting the Council's reasons for refusal of the previous Planning Application determined at the Ordinary Meeting held on 9 August 2005, and the current application does not adequately address the Council's previous reasons for refusal.
Plot Ratio	N/A	N/A	N/A

Setback South	1 metre	Nil	Supported - internal boundary, proposed lots under same ownership, and building on boundary is 2.6 metres high and not considered to have an undue impact on affected neighbour, and adequate curtilage to existing dwelling.
Building on Boundary	Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Boundary wall for 86 per cent of the southern boundary of the proposed new lot	Supported - as above.
Consultation Submissions (Previous Application)			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> • Non-compliance with minimum site area • Property does not have heritage significance in accordance with Town Policies and little evidence exist to demonstrate dwelling is worthy of retention • Undesirable precedent 		<p>Supported - the Town's Officers are reflecting the Council's reasons for refusal of the previous Planning Application determined at the Ordinary Meeting held on 9 August 2005, and the current application does not adequately address the Council's previous reasons for refusal.</p> <p>Supported - as above.</p> <p>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:

This planning application does not involve any greater variation to the requirements of the Town's Policies and the R Codes to plans previously advertised between 13 July 2005 and 27 July 2005. This planning application was, therefore, not advertised as all comments previously received are considered as part of this application. A verbatim copy of the relevant Officer Comments relating to consultation submissions from the Agenda Report referred to the Council at its Ordinary Meeting held on 9 August 2005, reads as follows:

"One objection was received with concern relating to density, the lack of heritage significance associated with the existing dwelling and the creation of an undesirable precedent being established. These concerns are addressed in the above Assessment Table."

The applicant has submitted an artist impression of the Federation Street elevation signed by one adjoining neighbour at No. 17 Federation Street and another neighbour at No. 192 Anzac Road.

In light of the density variations, previous objection received, and Council's resolution to refuse the similar previous planning application at its Ordinary Meeting held on 9 August 2005, the application is recommended for refusal.

10.2.1 Proposed Dedication and Provision of Lighting in Nova Lane, North Perth

Ward:	North	Date:	6 September 2005
Precinct:	North Perth P8	File Ref:	TES0462/TES0175
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 proposed dedication and provision of lighting in Nova Lane;*
- (ii) *LISTS for consideration in the 2006/07 draft budget funds for the provision of lighting in Nova Lane estimated to cost \$7,200;*
- (iii) *PROCEEDS with the dedication of Nova Lane as a Public Road in 2006/07 should funds for lighting be approved; and*
- (iv) *RECEIVES a further report on the development of a draft program for the dedication, naming and provision of lighting in all suitable rights of way in the Town.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Doran-Wu

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

- “(ii) *LISTS for consideration in the 2006/07 draft budget funds for the provision of lighting in the eastern leg of Nova Lane, estimated to cost ~~\$7,200~~ \$11,000;”*

Debate ensued.

AMENDMENT CARRIED (7-1)

<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 was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) ***RECEIVES the report on the proposed dedication and provision of lighting in Nova Lane;***
- (ii) ***LISTS for consideration in the 2006/07 draft budget funds for the provision of lighting in the eastern leg of Nova Lane, estimated to cost \$11,000;***
- (iii) ***PROCEEDS with the dedication of Nova Lane as a Public Road in 2006/07 should funds for lighting be approved; and***
- (iv) ***RECEIVES a further report on the development of a draft program for the dedication, naming and provision of lighting in all suitable rights of way in the Town.***

PURPOSE OF REPORT:

The purpose of this report is to correct an error made when compiling the *Naming and Provision of Lighting in Existing Dedicated Rights of Way* (ROW) program for 2002/2003, and to approve the dedication of Nova Lane so that it can be included in the program as soon as possible.

BACKGROUND:

Western Power will only permit their lighting to be installed in dedicated roadways, hence the Town's ROW lighting program was limited to those ROWs which had already been dedicated.

Note: Once a ROW achieves the status of dedicated road, it is the Town's responsibility to ensure that adequate lighting is in place.

Although owned by the Town, Nova Lane is a private ROW, and therefore not eligible for inclusion in the Town's Naming and Lighting of Existing Dedicated ROWs program and the ROW was mistakenly included in the program.

DETAILS:

A resident from Nova Lane recently enquired as to why lighting had not yet been installed in the ROW.

At the Ordinary Meeting of Council held on 14 May 2002, the Council adopted a schedule for the naming and lighting of existing dedicated ROWs within the Town over the following five years. The adopted schedule is reproduced below:

Table 2: Revised Schedule (Years 1 to 5) of the Dedicated ROWs to be Lit

<i>ROW (name/description)</i>	<i>Upgrade Year</i>	<i>Actual Cost \$</i>	<i>Total</i>
<i>Beatty Walk, North Perth</i>	<i>2000/01</i>	<i>4,200</i>	<i>10,900</i>
<i>Swimming Lane, North Perth</i>	<i>Completed</i>	<i>6,700</i>	
<i>Fiore Lane (west), North Perth</i>	<i>2001/02</i>	<i>8,700</i>	<i>21,400</i>
<i>Anvil Lane, Mt Hawthorn</i>	<i>In progress</i>	<i>8,000</i>	
<i>Sholl Lane, North Perth</i>		<i>4,700</i>	
<i>Nova Lane (west), North Perth</i>	<i>2002/03</i>	<i>7,200</i> **	<i>33,700</i>
<i>Alto Lane, North Perth</i>		<i>9,100</i> **	
<i>Viva Lane, North Perth</i>		<i>9,800</i> **	
<i>Biro Lane, North Perth</i>		<i>7,600</i> **	
<i>Unity Lane, Mt Hawthorn</i>	<i>2003/04</i>	<i>14,800</i> **	<i>25,300</i>
<i>Fiore Lane (east), North Perth</i>		<i>10,500</i> **	
<i>Anzac Road/Matlock Street*</i>	<i>2004/05</i>	<i>6,800</i> **	<i>14,000</i>
<i>Green St/Dunedin St, Mt Hawthorn*</i>		<i>7,200</i> **	

Both legs of Nova Lane are private ROWs which were purchased by the Town. In 2001, both were named following a request from property owners who wished to carry out strata developments. The ROWs are 7m wide, are sealed and drained, and therefore with the installation of lighting would be eligible for dedication.

It must be noted that the above program comprised the provision of lighting (and naming) in the existing dedicated ROW. There are approximately 145 ROWs in the Town that may meet the criteria for dedication (and hence lighting). A further report will be presented to Council on this matter.

CONSULTATION/ADVERTISING:

There are statutory requirements that adjacent residents and suppliers of public utilities be consulted and responses detailed as in the dedication application.

LEGAL/POLICY:

The dedication would be undertaken in accordance with the Land Administration Act.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no additional financial implications associated with the dedication of Nova Lane.

COMMENTS:

Nova Lane was mistakenly included in the schedule while not eligible, however, being 7m wide and already providing "frontage" for a number of infill development properties, it is most suitable for dedication as a public road. Therefore, it is recommended that the Council lists for consideration in the 2006/07 draft budget funds for the provision of lighting in Nova Lane, estimated to cost \$7,200, and proceeds with the dedication of Nova Lane as a Public Road in 2006/07 should funds for lighting be approved.

10.2.4 2005 Pride Parade - Temporary Closure of Brisbane Street, Between Beaufort and William Streets, William Street, Between Bulwer and Newcastle Streets, Perth

Ward:	South	Date:	7 September 2005
Precinct:	Forrest P14; Beaufort P13 & Hyde Park P12	File Ref:	TES0027 & CMS0040
Attachments:	001		
Reporting Officer(s):	C Wilson, J Greenwood		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Newcastle Streets, between 6.00pm and 9.00pm on Saturday, 29 October 2005, to facilitate the 2005 Pride Parade;*
- (ii) *APPROVES a Main Roads WA accredited Traffic Management contractor carry out the required road closures within the Town at the locations shown on attached Plan No. A4-00-063B;*
- (iii) *NOTES the estimated cost of the road closures of \$4,200 be funded from the 2005/2006 Parades and Festivals budget allocation;*
- (iv) *APPLIES and ENFORCES a temporary “No Parking” restriction in the same area from 2.00 pm on Saturday, 29 October 2005;*
- (v) *REQUESTS that the applicant contacts the Public Events section of the WA Police Service and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
- (vi) *REQUESTS that the applicant liaises with the City of Perth regarding the placement of a notice of road closure in the West Australian and reimburses the City of Perth for the cost of placing the notice, and*
- (vii) *ENSURES that the applicant acknowledges the Town of Vincent as a sponsor in all publicity for the parade.*

Moved Cr Farrell, Seconded Cr Messina

That the following Amended Officer Recommendation be adopted:

That the Council;

- (i) *APPROVES IN PRINCIPLE the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Newcastle Streets, between 6.00pm and 9.00pm on Saturday, 29 October 2005, to facilitate the 2005 Pride Parade;*
- (ii) *APPROVES IN PRINCIPLE for a Main Roads WA accredited Traffic Management contractor to carry out the required road closures within the Town;*

- (iii) *NOTES APPROVES the estimated cost of the road closures of \$4,200 be funded from the 2005/2006 Parades and Festivals budget allocation;*
- (iv) *APPLIES and ENFORCES APPROVES of a temporary "No Parking" restriction to be applicable in the same area from 2.00 pm on Saturday, 29 October 2005;*
- (v) *REQUESTS that the applicant contacts the Public Events section of the WA Police Service and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
- (vi) *REQUESTS that the applicant liaises with the City of Perth regarding the placement of a notice of road closure in the West Australian and reimburses the City of Perth for the cost of placing the notice,*
- (vii) *ENSURES that the applicant acknowledges the Town of Vincent as a sponsor in all publicity for the parade;*
- (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 and/or Birdwood Square subject to this matter being further considered at the Ordinary Meeting of Council 11 October 2005.*

Debate ensued.

Moved Cr Lake, Seconded Cr Maier

That clause (ix) be amended by deleting the words "and/or Birdwood Square".

Debate Ensued.

AMENDMENT CARRIED (5-3)

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

(Cr Torre was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.4

That the Council;

- (i) *APPROVES IN PRINCIPLE the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Newcastle Streets, between 6.00pm and 9.00pm on Saturday, 29 October 2005, to facilitate the 2005 Pride Parade;*
- (ii) *APPROVES IN PRINCIPLE for a Main Roads WA accredited Traffic Management contractor to carry out the required road closures within the Town;*
- (iii) *APPROVES the estimated cost of the road closures of \$4,200 be funded from the 2005/2006 Parades and Festivals budget allocation;*
- (iv) *APPROVES of a temporary "No Parking" restriction to be applicable in the same area from 2.00 pm on Saturday, 29 October 2005;*
- (v) *REQUESTS that the applicant contacts the Public Events section of the WA Police Service and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
- (vi) *REQUESTS that the applicant liaises with the City of Perth regarding the placement of a notice of road closure in the West Australian and reimburses the City of Perth for the cost of placing the notice;*
- (vii) *ENSURES that the applicant acknowledges the Town of Vincent as a sponsor in all publicity for the parade;*
- (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.*

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval for the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Newcastle Streets, between 6.00pm and 9.00pm on Saturday, 29 October 2005, to facilitate the 2005 Pride Parade;

BACKGROUND:

Lesbian and Gay Pride (WA) have successfully held their annual Pride Parade through the streets of Northbridge for the past 15 years. Last year the parade drew a crowd in excess of 60,000 people, making it one of the largest public events in metropolitan Perth.

Prior to 2000, the marshalling of the floats and participants had been restricted to Brisbane Street between William and Beaufort Streets. However, due to the continuing success of the parade and the ever-burgeoning number of floats, as of 2000 the event's marshalling area was expanded to include William Street between Bulwer and Brisbane Streets.

To safely accommodate the enlarged marshalling area, while minimising the impact upon residents and traffic, as well as ensuring compliance with the Australian Standards and Main Roads WA *Code of Practice*, the road closure requirements have become increasingly more complicated.

Prior to 2000 the City of Perth used to co-ordinate all the road closures for the event, however, since 2000 the City has confined its Parade related activities to within its own boundaries, with the Town assuming responsibility for all road closures north of Newcastle Street.

DETAILS:

As in 2004, the area to be temporarily closed to facilitate the 2005 parade is bounded by Lake, Bulwer, Beaufort and Newcastle Streets and includes some 17 intersections and 27 full and part road closures as shown on attached Plan No. A4-00-063B.

If the road closures were to be undertaken by the Town's staff, it would be necessary to acquire or hire a significant number of new traffic signs and barricades to implement the closures in accordance with the Australian Standards, and Main Roads WA *Code of Practice*. Closures would also need to be manned to assure compliance and the Town's outside work force would have to be deployed to set up, man and remove the barricades and signs. Given that the Parade preparations commence in the afternoon, staff would be on duty for approximately 8 hours from 2.00pm through to midnight.

While the City of Perth has again chosen to use its own resources for traffic management (south of and including Newcastle Street) for this year's event, it is proposed for the reasons outlined above for the Town to continue to use an accredited traffic management contractor. As Pride bear part of the cost for the road closures within the Town, the same contractor is engaged on behalf of both parties (the Town and Pride) to better coordinate the road closures. To this ends (in collaboration with the above parties) accredited Traffic Management Contractors will be invited to tender for the work, with the Town and Pride billed separately.

This methodology ensures that the road closures are implemented to the relevant standards. It is more cost effective, reduces the impact upon the Town's resources, minimises the Town's liability exposure, and is endorsed by the Police Service's Special Events section.

The Town's Rangers would still be involved in setting up temporary *No Parking* restrictions.

CONSULTATION/ADVERTISING:

As per clause (vi) of the Officer Recommendation, Pride will be requested to liaise with the City of Perth to ensure that the proposed road closures are advertised in accordance with the requirements of 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:

Prior to 2000, the City of Perth supplied and installed all road closure signs and barricades for the Pride Parades. As of the 2000 event, the City withdrew this support requiring that the Town assume responsibility for all road closures north of Newcastle Street.

The estimated cost for the Town to carry out the road closures, including labour costs and purchasing/hiring new signs, etc., would be in excess of \$5,000.

While an accredited Traffic Management contractor is yet to be engaged, it is expected that the supply and installation of all signage and traffic control devices for the 27 road closures, provision of sufficient staff (accredited traffic controllers) for a period of eight hours (including mobilisation and demobilisation, set up and pack up), will cost an estimated \$4,200.

COMMENTS:

Traffic Management for large public events has over the past five (5) years become a specialised field. An accredited Traffic Management contractor is more cost effective and better able to provide the level of service required to comply with relevant Australian and Main Roads WA standards than tying up Council resources. Hence most government agencies (including Main Roads WA) and Local Government Authorities, no longer undertake large-scale road closures and traffic management. Any tender price submitted by the preferred contractor will encompass an approved traffic management plan, all signage and barricades and traffic control personnel.

It is therefore recommended that the Council approve the temporary closure of streets as outlined in the report to accommodate the 2005 Pride Parade.

10.3.1 Provisional Financial Statements as at 30 June 2005

Ward:	Both	Date:	25 August 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 Provisional Financial Reports for the year ended 30 June 2005 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To present the provisional financial reports for the year ended 30 June 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 provisional copies for the year ended 30 June 2005.

As stated above the financial reports as presented are provisional copies to provide an estimate of the year end position. There are still a number of year end transactions, and adjustments that need to be prepared before the year end accounts can be finalised.

The final accounts together with detailed variance comments on items greater than \$10,000 and with more than 10% variance will be presented at a later date. It is anticipated that the final accounts will be available at the first council meeting in October.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial position and Changes in Equity
- Reserve Schedule

- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 105 % of the annual Budget estimate

General Purpose Funding (Page 1)

General Purpose Funding is showing 100 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 99 % of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 288 % of the budget received to date; this is due to advertising rebates, vehicle contributions received sale of electoral rolls and reimbursement of long service leave from other councils.

Law Order & Public Safety (Page 3)

Revenue is showing a favourable variance of 119 % due to recoup in advance of employee cost that is on secondment and grants received.

Health (Page 4)

Health is showing 106 %, this is due to 297 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Leases and rental income from various facilities and venues received is showing 141% of the revenue budget. This is due to the operating surplus from the management of the Leederville Gardens Retirement Village.

Community Amenities (Page 6)

Community Amenities revenue is 117 % of the budget, this is as a result of 696 planning applications have been processed for the year.

Recreation & Culture (Page 9)

Recreation and Culture is 103 % of their revenue budget. Beatty Park Leisure Centre revenue is 76 % of the total Recreation and Culture and its cash position is a deficit of \$452,174 against a budgeted \$157,887.

Transport (Page 11)

Transport revenue is 160% of the budget with 28,057 infringement issued for the year which is 210 % over budget and car parking revenue exceeding budget by 145%.

Economic Services (Page 12)

Economic Services is 112 % of budget which is the 452 building licences issued for the whole year.

Operating Expenditure

Operating expenditure for the year is slightly over budget at 107%. All service area are on budget except expenditure in Public Works Overheads being under recovered by \$415,588 and depot cost under recovered by \$142,561.

Capital Expenditure Summary (Pages 18 to 26)

The Capital Expenditure summary details projects included in the 2004/05 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for June amount of \$7,737,964 which is 63% of the budget.

	Budget	Actual to Date	%
Furniture & Equipment	131,310	119,145	76%
Plant & Equipment	1,249,972	625,957	50%
Land & Building	3,555,393	3,580,532	96%
Infrastructure	6,997,900	3,412,330	48%
Total	11,934,575	7,737,964	63%

Statement of Financial Position and Changes in Equity (Pages 27 & 28)

The statement shows the current assets of \$11,242,356 less current liabilities of \$3,480,205 for a current position of \$7,762,151. The total non current assets amount to \$115,408,253 less non current liabilities of \$10,905,782 for the total net assets of \$112,264,621.

Restricted Cash Reserves (Page 29)

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

Debtors and Rates Financial Summary**General Debtors (Page 30)**

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

Sundry Debtors of \$639,930 are outstanding at the end of June. Of the total debt \$165,495 (25%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 31)

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

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

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

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

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

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

Rates outstanding are \$360,981 which represents 2.6 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 32)

As at 30 June 2005 the operating deficit for the Centre was \$899,718 in comparison to the budgeted annual deficit of \$616,852.

The cash position showed a current cash deficit of \$452,174 in comparison to the annual budget estimate of a cash deficit of \$161,888. The cash position is calculated by adding back depreciation to the operating position.

COMMENT:

The provisional final Beatty Park result is disappointing, despite a significant improvement on last year's performance. The financial position of the Centre has been strictly monitored throughout the year and at the end of May the deficit was \$189,094 within the budgeted expectation, this can be seen in the detailed monthly attachment breakdown. However, the final month of the year has seen a significant increase in the deficit. The Chief Executive Officer and the Executive Manager Corporate Services are currently investigating the reasons for the increase in the final month of the year and this will be reported to Council when the final accounts and variance comments are finalised and presented to Council.

10.3.3 Debtor Write-off

Ward:	Both	Date:	22 August 2005
Precinct:	All	File Ref:	FIN0007
Attachments:	-		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY the write-off of the following Sundry Debtors totalling \$3,823.44 as being uncollectable;

- (a) *Bianca Saunders* \$898.15;
- (b) *Advance Movement* \$770.80;
- (c) *R Kuscevic* \$1,636.41;
- (d) *Skyride Holdings T/A PVC* \$518.08;

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To present to Council sundry debtors that are considered to be unrecoverable and are recommended to be written off.

BACKGROUND:

The Council is currently carrying a number of debtors which have been outstanding for a considerate length of time. Despite the Town's best efforts in the pursuit of these debts through the legal debt recovery proceedings, it has now come to the position where further pursuit of these debts will be considerably more than the debt itself and therefore the debts listed above are recommended for write off.

DETAILS:

Bianca Saunders - \$898.15

Initial invoice in question is for hire fees for Royal Park Hall on 10 June 2001. Summons have been served on this debtor. This debtor has been pursued by the debt collection agency with the issue of summonses. There was some difficulty in serving the summons as the plaintiff lives in a secure complex. Judgment was obtained from the courts on this debtor and we were able to proceed with a Warrant of Execution of Goods and Land at any time, however the debtor does not have any seizeable property in which the Town can act on. To pursue this matter any further would increase the legal fees spent to date. It is therefore recommended that this account be written off.

Advance Movement - \$770.80

This debt was incurred for the hire of Royal Park Hall for a movement group in April 2004. The debt has been pursued by a series of letter which no response has been received. The matter was referred to the debt collection agency who have advised that the person operating Advance Movement has left the country for the United Kingdom and it is therefore considered to pursue this debt would incur costs well in excess of the original debt and as such it is therefore recommended that the debt be written off.

R Kuscevic - \$1,636.41

The invoice was initially issued on 4 April 2001 for secure property and clean up works at 89-91 Smith Street for \$275.00. A history of the facts relating to this case are listed as follows below.

"On or around 14 May 1999 an Environmental Health Officer with the Town of Vincent issues a Notice to Ms Kuscevic and Ms Aloj pursuant to the Health Act. The Notice required Ms Kuscevic to:

- (a) remove all disused clothing from the property at 89-95 Smith Street, Highgate ("the Premises");
- (b) remove any litter, rubbish, disused bedding, discarded syringes and needles, discarded condoms, human excrement, flammable/combustible materials from the Premises;
- (c) maintains the Premises clean and tidy at all times;
- (d) lock/secure/board up the dwellings to prevent illegal squatting or unauthorised use or anti-social behaviour on the Premises.

In response to the Notice, Ms Kuscevic removed the disused clothing, performed some cleaning and secured some doors on the Premises.

The Town of Vincent was not satisfied that the requirements of the Health Notice were complied with. On or around 3 June 1999, Ms Kuscevic was requested to lock or board up the openings of the dwellings on the Premises, cut overgrown vegetation and remove all offensive matter from the premises.

By letter dated 16 June 1999, Ms Kuscevic wrote to the Town of Vincent advising it that all offensive items had been removed, the rear yards have been sprayed with herbicide and the doors at the front and rear of the houses had either been boarded up or nailed closed.

In or around April 2001, the Town of Vincent took action to secure a number of doors and windows, external toilets, laundry doors and other external buildings on the premises.

On or around 24 April 2001, the Town of Vincent forwarded a Tax Invoice to Ms Kuscevic in the sum of \$275.00 being the costs incurred by the Town in performing the securing and cleaning works.

Ms Kuscevic has refused to pay this amount to the Town of Vincent."

This debt was referred to the Council meeting of 27 April 2004 for write-off. At that meeting the Council resolved to remove that item, *in that case clause Item 16 to be deleted and the remaining clauses to be renumbered* and the write-off for those debts to be removed by the amount of the Kuscevic debt. As a result the Town pursued further action to recover the debt. The debt collection agency referred the matter to its solicitors. In July 2004 they wrote as follows:

"The claim against Ms Kuscevic is not a simple one. Further, the legal and other costs which the Town of Vincent will incur in pursuing the claim will be substantial. Generally, a successful party in legal proceedings is entitled to claim only 50% to 60% of the legal costs which that party incurs. As such, the Town of Vincent will not achieve a commercial outcome in these proceedings, even if it successfully obtained an order that Ms Kuscevic pay the full amount of its claim.

Further, the prospects of successfully obtaining an order that the Defendant pay the Town of Vincent the value of the claim are uncertain. Alternatively, it may be of some value to the Town of Vincent to obtain a decision from the Local Court as to what may or may not be necessary for premises to be declared a nuisance."

The Town has incurred a further \$1,361.41 in fees in pursuing this debt. As a result this matter is now considered to be uneconomical to pursue any further. It is therefore recommended to be written off.

Skyride Holdings T/A PVC - \$518.08

This invoice was issued on 30 December 2004 and refers to recoverable works, jobs 80245 and 80233. The Town received a letter from Skyride Holdings Pty Ltd in May 2005 which advised that due to unforeseen circumstances Skyride Holdings has ceased trading and was no longer in a position to honour its financial commitments. This is a result of Skyride Holdings primary client being placed in administration and subsequently liquidated. As a result all monies due to Skyride Holdings were unable to be received. Due to these circumstances and the amount of debt outstanding it is considered not to be cost effective to pursue this amount and therefore it is recommended that this debt be written off.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area 4.2 – Governance and Management

"Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance."

CONSULTATION/ADVERTISING:

NIL

FINANCIAL/BUDGET IMPLICATIONS:

These funds are considered to be unrecoverable and as a result will have to be expensed against the original accounts.

COMMENTS:

The debtors presented for write off, have been outstanding for a considerable length of time. The Financial Services area have pursued the debtors through the formal debt recovery process using the Debt Collection agency contracted to the Town. It is now considered that either it is uneconomical for the Town to pursue the debt or that debtor is untraceable.

It is therefore recommended that the debtors listed be written off. It is normal practice for the Town to prepare a list for write off each year.

10.3.9 Personal Alarm Assistance for Seniors (60 years and over) and People with Disabilities

Ward:	Both	Date:	6 September 2005
Precinct:	All	File Ref:	CMS0106
Attachments:	001		
Reporting Officer(s):	S Jarman		
Checked/Endorsed by:	J Anthony / M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the draft guidelines for the distribution of personal alarms for Town of Vincent residents who are seniors (60 years and over) and people with disabilities; and*
- (ii) *AUTHORISES the launch of the personal alarms program at a function to be held on 19 September 2005.*

COUNCIL DECISION ITEM 10.3.9

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Messina

That the age be changed to 55 years wherever it appears in the guidelines document.

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Torre was an apology.)

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

"(iii) AUTHORISES the Chief Executive Officer to :

- a) advertise the proposed new guidelines for a period of twenty-one (21) days seeking public comment;*
- b) report back to Council with any public comments received;*

- c) *include the Policy in the Policy Manual if no public submissions are received."*

Debate ensued.

**AMENDMENT PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

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

(Cr Torre was an apology.)

Debate ensued,

Moved Cr Lake, Seconded Cr Messina

That the age be changed to 60 years in the report and wherever it appears in the guidelines document.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To establish guidelines for the allocation and distribution of hand-held/key-ring personal alarms to residents that are seniors (60 years and over) and people with disabilities.

BACKGROUND:

As part of the development of a Senior Strategy, a senior's survey was conducted for the Town's senior residents by the Community Development section in 2004. The results showed that safety was considered, by seniors in the Town, to be one of the top five priority issues of concern.

Through this study personal alarms were given to seniors to allow them to feel safer and give them a sense of ownership in regards to their own personal safety when out and about in the community. Feedback gained from seniors that already carry personal alarms say that they feel safer out in the community and with the alarm, would easily be able to get assistance if required.

The personal alarms would be given to seniors. The aim is for individuals to carry the alarms with them when they are out in the community. For example out at night, at shopping centres, car parks - places visited in the community that increase the sense of vulnerability of this group. The alarms have a key-ring attachment, therefore are small, lightweight, can easily be placed in a handbag or pocket and are easy to use. The alarms are loud and therefore if set off, may alert others nearby that assistance is required. The alarm noise is also a deterrent for anyone that maybe harming the individual.

DETAILS:

The intent of the guidelines is to systematically distribute the alarms to the identified vulnerable target group who are seniors (aged 60 years and over) and people with disabilities that are considered to be more vulnerable in our community.

The Town of Vincent will provide a hand-held/key-ring personal alarm to residents over the age of 60 years and people with disabilities who are considered to be more vulnerable in the community.

A hand-held/key-ring personal alarm will be provided to each individual who meet the guidelines.

Preference will be given to seniors who go outside of their homes on a regular basis, who are living independently, are isolated and who have restricted mobility or health related conditions. Individuals must also be residents of the Town of Vincent.

One personal alarm per resident (or one per couple) will be available to assist with personal safety in the community. An individual or couple may not receive more one personal alarm.

CONSULTATION/ADVERTISING:

The policy and guidelines will be advertised for public comment for a period of fourteen (14) days.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

The distribution of personal alarms is in keeping with the Town of Vincent Strategic Plan 2005- 2010:

Key Result Area 2.2

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

FINANCIAL/BUDGET IMPLICATIONS:

A total of \$5000 is currently budgeted for personal alarms for 2005-2006 financial year. This allows for approximately 625 alarms to be distributed to residents within the set criteria of the Town within the financial year.

COMMENTS:

Personal alarms were given out at the recent Seniors' Forums on Personal and Home Safety conducted by the Community Development Team. The alarms proved to be very popular with the residents as they give individuals a sense empowerment and security in regards to their own personal safety when out in the community.

The identified group is of increased risk and are more vulnerable members of our community in regards to personal attacks and self-perceived sense of feeling unsafe in various public areas.

It is proposed that the Mayor will launch the Town's Seniors' Alarms Program at an event to be held on 19 September 2005 in conjunction with the Western Australian Police Force.

10.4.1 Code of Conduct 2005 - Adoption

Ward:	-	Date:	7 September 2005
Precinct:	-	File Ref:	ADM0050
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY the adoption of the Code of Conduct to be observed by Elected Members and Employees, as detailed in Appendix 10.4.1, in accordance with Section 5.103 of Division 9 of Part 4 of the Local Government Act 1995; and

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to adopt the Code of Conduct for Elected Members and Employees.

BACKGROUND:

The Local Government Act 1995 requires every local government to prepare and adopt a Code of Conduct to be observed by Council Members and employees.

At the Ordinary Meeting of Council held on 26 July 2006 the Council resolved inter-alia as follows:

“That the Council;

- (i) APPROVES IN PRINCIPLE the adoption of an amended Code of Conduct ...*
- (ii) ADVERTISES the draft Code of Conduct for community consultation for a period of twenty-one (21) days and any comments or submissions be reported to the Council.”*

DETAILS:

At the close of the submission period, the only comment received was from the Smith’s Lake Precinct Group who advised that that they had discussed this matter at their August meeting and stated that they had “no comments or objections” to this document.

CONSULTATION/ADVERTISING:

The Draft Code of Conduct was advertised in the Guardian Express on 9 August 2005, on the Town's website and issued to all precinct and business groups. Submissions closed on 31 August 2005.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.103, states the following:

- “(1) Every Local Government is to prepare or adopt a Code of Conduct to be observed by Council Members, Committee Members and Employees.*
- “(2) A Local Government is to review its Code of Conduct within 12 months after each ordinary election day and make changes to the Code, as it considers appropriate.”*

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2003-2008 Key Result Area 4 - "Governance and Management".

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Draft Code of Conduct be adopted.

The Presiding Member, Mayor Catania, advised that he had declared a financial interest in this Item. He departed the chamber at 8.32pm and did not speak or vote on the matter.

The Deputy Mayor, Cr Farrell, assumed the Chair.

10.4.2 Proposed Amendment to Policy 4.2.7 - Elected Member Allowances, Fees and Re-imbursement of Expenses - Mayor's Vehicle

Ward:	Both	Date:	5 September 2005
Precinct:	All	File Ref:	ADM0051
Attachments:	-		
Reporting Officer(s):	John Giorgi; R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council RECEIVES the report on a proposed amendment to Clause 2. – Mayor’s Vehicle of Policy 4.2.7 - Elected Member Allowances, Fees and Re-imbursement of Expenses;*
- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Elected Members, namely Councillor Torre, Councillor Doran-Wu and Councillor Farrell, being one third of the number of offices of members of the Council, SUPPORT this motion;*
- (iii) *Councillor MOVES a motion to CHANGE the decision by deleting Clause 2.2 of the Policy, adopted by the Council at its Special Meeting held on 31 May 2005 (item 7.3), which states:*

"All lease costs, insurance and vehicle registration costs, shall be deducted from the Mayor's allowance;"
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE the resolution adopted by the Council at its Special Meeting held on 31 May 2005 (Item 7.3);*
- (v) *the Council APPROVES BY AN ABSOLUTE MAJORITY to insert a new Clause 2.2 as follows:*

"All lease costs, insurance and vehicle registration costs up to a maximum of \$500 per month (indexed annually on 1 July of each year to Consumer Price Index, Perth) shall be deducted from the Mayor's allowance."; and
- (vi) *APPROVES of the ‘residual payment’ for the Mayor’s vehicle lease contracts 2003/04 (\$3,500) and 2004/05 (estimated to be \$3,500).*

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Chester moved clause (iii) as follows:

“(iii) *Councillor Chester MOVES a motion to CHANGE the decision by deleting Clause 2.2 of the Policy, adopted by the Council at its Special Meeting held on 31 May 2005 (item 7.3), which states:*

"All lease costs, insurance and vehicle registration costs, shall be deducted from the Mayor's allowance;"

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That clause (v) be deleted from the recommendation.

Debate ensued.

AMENDMENT LOST (3-4)

For

Cr Ker

Cr Lake

Cr Maier

Against

Cr Farrell (Deputy Mayor) – Presiding Member

Cr Chester

Cr Doran-Wu

Cr Messina

(Cr Torre was an apology. Mayor Catania was absent from the chamber and did not vote.)

Debate ensued.

Cr Maier requested that clauses (v) and (vi) be dealt with separately.

The Presiding Member ruled that clauses (v) and (vi) would be considered and voted upon separately.

Clause (v) was put.

Moved Cr Chester, Seconded Cr Doran-Wu

That clause (v) of the recommendation be amended by inserting the words “The balance shall be paid by the Town, up to a maximum of 40% of the total cost.” after the word “allowance”.

Debate ensued.

AMENDMENT CARRIED (5-2)

For

Cr Farrell (Deputy Mayor) – Presiding Member
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Lake

Against

Cr Maier
Cr Messina

(Cr Torre was an apology. Mayor Catania was absent from the chamber and did not vote.)

Clause (v) as amended was put.

(v) *the Council APPROVES BY AN ABSOLUTE MAJORITY to insert a new Clause 2.2 as follows:*

“All lease costs, insurance and vehicle registration costs up to a maximum of \$500 per month (indexed annually on 1 July of each year to Consumer Price Index, Perth) shall be deducted from the Mayor's allowance. The balance shall be paid by the Town, up to a maximum of 40% of the total cost.”

CLAUSE (v) LOST (4-3)

AS NO ABSOLUTE MAJORITY WAS ACHIEVED

For

Cr Farrell (Deputy Mayor) – Presiding Member
Cr Chester
Cr Doran-Wu
Cr Messina

Against

Cr Ker
Cr Lake
Cr Maier

(Cr Torre was an apology. Mayor Catania was absent from the chamber and did not vote.)

Moved Cr Doran-Wu, Seconded Cr Lake

That clause (vi) be approved.

CLAUSE (vi) CARRIED (6-1)

For

Cr Farrell (Deputy Mayor) – Presiding Member
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Maier

Against

Cr Messina

(Cr Torre was an apology. Mayor Catania was absent from the chamber and did not vote.)

MOTION AS AMENDED WAS PUT AND CARRIED (4-3)

Except clause (v) (as no Absolute Majority was achieved)

For

Cr Chester
Cr Ker
Cr Lake
Cr Maier

Against

Cr Farrell (Deputy Mayor) – Presiding Member
Cr Doran-Wu
Cr Messina

(Cr Torre was an apology. Mayor Catania was absent from the chamber and did not vote.)

COUNCIL DECISION ITEM 10.4.2

That the Council;

- (i) ***RECEIVES the report on a proposed amendment to Clause 2. – Mayor’s Vehicle of Policy 4.2.7 - Elected Member Allowances, Fees and Re-imbusement of Expenses;***
 - (ii) ***APPROVES of the ‘residual payment’ for the Mayor’s vehicle lease contracts 2003/04 (\$3,500) and 2004/05 (estimated to be \$3,500).***
-

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to amend Clause 2.2 of Policy 4.2.7 *Elected Member Allowances, Fees and Re-imbusement of Expenses, relating to Mayor's Vehicle lease payments.*

BACKGROUND:

In accordance with Clause 2.2 of Policy No 4.2.7, the Town currently leases a vehicle for the Mayor on a twelve (12) monthly lease basis. The cost of the lease is deducted from the Mayor's allowance as outlined in the policy.

The current lease expires in late September 2005 and quotations for a new lease have been received. The monthly lease has increased substantially and hence the purpose of this report.

DETAILS:

The Mayor currently pays \$398 per month for the lease of a vehicle and this is deducted from the Mayor's allowance. The Town has previously leased two (2) vehicles for the Mayor. The first lease expired in September 2004 and the current lease (for the second vehicle) expires in late September 2005.

During the review of the current lease contracts, the CEO has recently been made aware that when the first lease expired (September 2004) a “*residual payment*” of approximately \$3,500 was required to be paid as a condition of the lease contract. This was subsequently paid in late 2004 as the Town’s officer was of the view that the Town was responsible for this payment.

Following being made aware of this, the Town's Officers sought further advice on the lease arrangements and were advised that with a finance vehicle lease contract, the lease contract arrangement is subject to the resale value of a vehicle at the time of disposal and, depending on the current market demand and several other factors at the time of sale, there may be a requirement for a one-off “*residual payment*” to be made. This was the case in late 2004.

There will now be a requirement for another “*residual payment*” at the conclusion of the current lease. However, at this stage, the “*residual payment*” will not be determined until the vehicle is sold, however it is estimated to be approximately \$3,500.

With the current lease contract due to expire in September 2005, quotations were recently received from three (3) companies for the lease of a new vehicle. The lowest quotation received has seen an increase in the monthly lease payment from \$398 per month to \$781 per month. The new lease proposal will not include a “*residual payment*” as this is a different lease contract.

The matter of the “*residual payments*” has been recently brought to the attention of the Mayor (as he was previously unaware of this residual payment) and advised of the most suitable contract to the Town which does not include the “*residual payment*” requirement. In view of the significant increase in the costs, the Mayor has requested the matter be reviewed and has advised that a maximum of \$500 per month for the lease payments would be more appropriate, which would leave a shortfall of \$383 per month or \$3,380 per annum.

The lease contract 2005/06 has a special discount offer of \$4,000 off the current vehicle price. As the offer expired on 6 September 2005 and to take advantage of the substantial discount, the CEO approved the new contract after discussions with the Mayor and on the basis that the matter would be reported to the Council for consideration.

The Policy matter of Elected Members' allowances, fees and entitlements is for each Local Government to determine and it varies considerably between Local Governments. To provide a benchmark comparison, the Town has contacted several similar Local Governments, including the Town's of Victoria Park and Cambridge and the Cities of South Perth, Nedlands and Subiaco, to determine what arrangements are in place with regard to the allocation of a vehicle for their respective Mayors.

The following information has been received:

Local Government	Budget \$	No. of Residents	Mayoral Allowance \$	Vehicle Type	Payment Details
Vincent	22,196,000	25,918	41,500	Fairlane Ghia	\$4,776/annum
Victoria Park	19,559,000	28,313	40,000	Camry **	Nil
Cambridge	20,170,000	24,508	10,000	Holden CRV **	Nil
South Perth	28,867,000	37,684	40,000	Fairlane Ghia ***	Nil
Nedlands	18,385,000	21,338	15,700	N/A	N/A
Subiaco	20,386,000	15,673	3,600	N/A	N/A

** Has approval for a Ford Fairlane Ghia

*** Has approval for a Ford Fairlane Ghia or Holden Statesman

Given the increase in the current lease costs from \$398 per month to \$781 per month and the willingness of the Town's Mayor to contribute \$500 per month towards the lease costs, and given that the Town of Vincent's neighbouring local governments (of similar size) provide a vehicle to their Mayors at nil cost, it is considered reasonable that the Town contributes to the lease cost of the Mayor's vehicle.

It is therefore recommended that clause 2.2 of Policy No 4.2.7 be amended to read as follows:

All lease costs, insurance and vehicle registration costs up to a maximum value of \$500 per month (linked to CPI), shall be deducted from the Mayor's Allowance.

CONSULTATION/ADVERTISING:

The Council's Policy relating to Elected Member Fees and Expenses was previously advertised for public comment in May 2003.

LEGAL/POLICY IMPLICATIONS:

The Town's current policy states:

"2. *MAYORAL VEHICLE*

If the Mayor so requests;

- 2.1 *A fully serviced and maintained vehicle will be available for the term of the Mayor for the Mayor's use to the standard of that provided to the Chief Executive Officer. The Chief Executive Officer is authorised to negotiate the most suitable and cost effective lease contract.*
- 2.2 *All lease costs, insurance, vehicle registration costs shall be deducted from the Mayor's Allowance.*
- 2.3 *The Mayor shall be entitled to reimbursement of fuel costs to a maximum value of \$55 per week, to a maximum of \$2,860."*

The Local Government Act allows for specific allowances to be paid and also for details to be prescribed by the Council. Section 5.98 allows a Council to prescribe the kind of expenses to be reimbursed.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Mayor's lease costs are annually paid out of the Mayor's allowance. The Council has approved of petrol costs up to a maximum of \$2,860 per annum. Should Council approve of the amendment, the cost arrangement will be:

	Proposed Arrangement		Current Arrangement
Mayor	\$6,000	Mayor	\$4,776
Town	<u>\$3,380</u>	Town*	<u>\$3,500</u>
Total:	\$9,380	Total	\$8,276

(* "residual payment")

The "residual payment" of \$3,500 for the 2003/04 vehicle contract was charged to the 2004/05 Budget.

The costs of \$3,380 per annum associated with the proposed amendment can be sourced from the 2005/2006 light vehicle fleet budget, as cost savings are being achieved with the vehicle change-overs.

COMMENTS:

The matter for provision of a vehicle to the Town's Mayor is a matter for the Council to determine. In considering the matter, it is appropriate for the Council to take cognisance of conditions provided by comparable Local Governments. The Town normally considers the Towns of Victoria Park, Cambridge and Cities of Subiaco, Nedlands and South Perth as a benchmark. Three of these Councils provide their Mayor with a vehicle free of cost (although in the case of Cambridge, the Mayor's allowance is substantially lower). The CEO is of the opinion that a similar arrangement could therefore be justified. The Mayor has indicated that a \$500 payment per month (to be deducted from the Mayor's allowance) is more appropriate. It is therefore appropriate that the policy be reviewed and a more equitable arrangement be approved.

It is requested that the "*residual payment*" for the lease contracts be paid by the Council, as the Mayor was not aware of this cost associated with the contract. (Furthermore, the CEO was not aware of this contract condition as the contract was completed by a Town employee responsible for fleet matters.)

The CEO and Executive Manager Technical Services have carried out a thorough examination of the contracts and are satisfied that the employee responsible for fleet matters had carried out his duties in a proper manner and payment of this "*residual payment*" was made on the basis of the employee genuinely believing that the Town was responsible for this cost. The administrative oversight has been rectified as all Mayoral vehicle future lease contracts are signed now by the Chief Executive Officer.

On this basis, it is reported to the Council for consideration and approval.

10.4.3 Appointment of Community Representatives to Town of Vincent Advisory Groups

Ward:	-	Date:	6 September 2005
Precinct:	-	File Ref:	CVC0017/CMS0067/ PRO0689/TES0334/ ORG0064/ORG0076/ ORG0079
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to amend the current Terms of Reference for all of the Town's Advisory Groups to allow "up to 5" community representatives;*
- (ii) *APPOINTS the following community representatives to the Town's Advisory Groups for the 2005-2007 period from the nominations received;*
 - (a) *Aboriginal Liaison Occasional Advisory Group;*
Membership as required;
 - (b) *Art Advisory Group (3 up to 5 required);*
 - 1. *Ms Florence Allain;*
 - 2. *Ms Anna Ciffolilli;*
 - 3. *Ms Helen Pemberton*;* and
 - 4. *Mr Vincent Sammut;*
 - (c) *Heritage Advisory Group (up to 5 required)*
 - 1. *Ms Helen Griffiths;*
 - 2. *Mr Vincent Sammut;* and
 - 3. *Mr Rocco Sergi;*
 - (d) *Local Area Traffic Management Advisory Group (3 up to 5 required)*
 - 1. *Mr Kinglsey Sullivan;*
 - 2. *Ms Lorraine Thomas*;*
 - (e) *Safer Vincent Crime Prevention Partnership (up to 5 required)*
 - 1. *Ms Betty Kraemer*;*
 - 2. *Ms Helen Pemberton;*
 - 3. *Ms Margaret Reid-Watson;* and
 - 4. *Mr Ray Stevenson*;*

(f) Seniors Advisory Group (up to 5 required)

1. Ms Anna Chin;
2. Ms Chris Costa;
3. Ms Carmen Harrison;* and
4. Ms Catherine McCloy;

(g) Sustainability Advisory Group (up to 5 required)

1. Ms Helen Griffiths;*
2. Professor Zed Rengel;* and
3. Ms Lorraine Thomas;*

(h) Universal Access Advisory Group (3 up to 5 required)

1. Mr John Searle;
2. Ms Jasmine McDonald;*
3. Mr Richard Newman;*
4. Mr Ken Nylander;* and
5. Mr Frank Smith;*

(* New nominations received)

(iii) *AUTHORISES the Chief Executive Officer to second interested persons to the Advisory Groups (where insufficient nominations have been received); and*

(iv) *EXPRESSES its appreciation to previous community representatives for their contribution to the Advisory Groups and requests the Chief Executive Officer to write to all persons with a "Certificate of Appreciation:."*

At 9.25pm, Mayor Catania returned to the Chamber and assumed the chair.

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

That clause (ii)(c), (d) and (f) be deferred for further information and to allow persons to nominate for Advisory Groups where there are insufficient nominations from Community representatives.

AMENDMENT CARRIED (7-1)

For
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Lake
Cr Maier
Cr Messina

Against
Cr Ker

(Cr Torre was an apology.)

Debate ensued.

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.4.3

That the Council;

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to amend the current Terms of Reference for all of the Town's Advisory Groups to allow "up to 5" community representatives;*
- (ii) *APPOINTS the following community representatives to the Town's Advisory Groups for the 2005-2007 period from the nominations received;*
 - (a) *Aboriginal Liaison Occasional Advisory Group;*
Membership as required;
 - (b) *Art Advisory Group (3 up to 5 required);*
 1. *Ms Florence Allain;*
 2. *Ms Anna Ciffolilli;*
 3. *Ms Helen Pemberton*;* and
 4. *Mr Vincent Sammut;*
 - (c) *Safer Vincent Crime Prevention Partnership (up to 5 required)*
 1. *Ms Betty Kraemer*;*
 2. *Ms Helen Pemberton;*
 3. *Ms Margaret Reid-Watson;* and
 4. *Mr Ray Stevenson*;*
 - (d) *Sustainability Advisory Group (up to 5 required)*
 1. *Ms Helen Griffiths*;*
 2. *Professor Zed Rengel*;* and
 3. *Ms Lorraine Thomas*;*
 - (e) *Universal Access Advisory Group (3 up to 5 required)*
 1. *Mr John Searle;*
 2. *Ms Jasmine McDonald*;*
 3. *Mr Richard Newman*;*
 4. *Mr Ken Nylander*;* and
 5. *Mr Frank Smith*;*

(* *New nominations received*)

- (iii) *AUTHORISES the Chief Executive Officer to second interested persons to the Advisory Groups (where insufficient nominations have been received); and*
 - (iv) *EXPRESSES its appreciation to previous community representatives for their contribution to the Advisory Groups and requests the Chief Executive Officer to write to all persons with a "Certificate of Appreciation".*
-

BACKGROUND:

At the Ordinary Meeting of Council held on 13 May 2003, Council resolved that the Advisory Group community representatives' terms be for a period of two (2) years (to coincide with the Election cycle) and for nominations to be called to fill any vacant positions.

Advertisements calling for nominations were placed in the local newspapers on 2 August 2005 and nominations closed on 29 August 2005. At the close of the advertising period, nominations were received and these are shown in Appendix 10.4.3.

LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995, Sections 5.8 to 5.25 allows local governments to appoint committees and prescribes the legal requirements for these.

Since its inception, the Town has been operating by having two Council meetings each month (except January) and no committee system. Since late 1995, it has used various Advisory Groups.

The Advisory Groups do not have any legal status and their prime role is to make recommendations for the consideration of the Council. Advisory Groups cannot perform the role of Committees. The Council has not delegated any of its powers.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the Advisory Groups is not specifically itemised in the Town's budget, they are absorbed within the administration costs and allocated to the various sections.

STRATEGIC IMPLICATIONS:

Nil, however, the use of Advisory Groups is in keeping with the Council's philosophy of involving the community in the decision making process.

COMMENT:

The Terms of Reference, roles and meeting frequency comply with statutory requirements, provide a more efficient and effective outcome and at the same time, ensure that the community has input into the various Advisory Groups.

APPENDIX 10.4.3

TOWN OF VINCENT ADVISORY GROUPS - COMMUNITY REPRESENTATIVES

SUMMARY OF NOMINATIONS RECEIVED

ART ADVISORY GROUP: *(3 members required)*

(Mayor, Cr Messina, Cr Torre)

1. **Name:** Ms Helen Pemberton
Address: Perth
Qualifications: Director - "The Tjukurpa Collection" (collection of remote community Aboriginal Art)
Membership of Community Groups:
Town of Vincent Safer Vincent Crime Prevention Partnership
Hyde Park Precinct Group - Executive Member
Alexander Park Tennis Club
Reasons to be considered as a Community Representative:
Would value the opportunity to assist in formulating future [art] acquisition policy, with a view to building a collection that will be esteemed, enjoyed and valued as a great asset for the Town, as well as the greater Perth community.

Considers that it would be timely to explore strategies for encouraging extended community access to the Town's collection, e.g. having a dedicated space for hanging and exhibition work; curated exhibitions from time to time.
Enjoys the Visual Arts and often visits local galleries to further knowledge and appreciation of contemporary art.

LOCAL AREA TRAFFIC MANAGEMENT ADVISORY GROUP:

(3 members required) (Cr Farrell, Cr Ker, Cr Lake)

1. **Name:** Ms Lorraine Thomas
Address: Mt Lawley
Qualifications: Bachelor of Science (Environmental Science) Hons in Sustainable Development (Murdoch University)
Membership of Community Groups:
N/A
Reasons to be considered as a Community Representative:
Is a resident of the Town who is very interested in the sustainable development of the Town. Believes that providing sustainable transport options is a key component of a sustainability agenda, particularly in the Town of Vincent given its urban structure, amenities and mix of activities and attractions within it. Honours thesis examined the feasibility of introducing light rail that connects the city to the Morley regional centre through the Mt Lawley town centre and the relative improvement to amenity and other environmental and social benefits such a proposal could bring.

APPENDIX 10.4.3

LOCAL AREA TRAFFIC MANAGEMENT ADVISORY GROUP: (.../cont)

(Ms Lorraine Thomas)

Currently works as a town planner for the Department for Planning and Infrastructure and has experience in transport planning, however also lives on a street where parking and traffic management is an issue. Believes that the Town can develop innovative solutions to the current situation in Beaufort Street and surrounds and would welcome the opportunity to be part of that. Would bring some new ideas from a perspective that realises that traffic can be managed without having to close off streets and introduce speed humps, but can employ more attractive techniques that could improve the amenity of existing problem streets.

SAFER VINCENT CRIME PREVENTION PARTNERSHIP:

(5 members required) (Mayor, Cr Doran-Wu, Cr Messina)

1. **Name:** Ms Betty Kraemer
Address: North Perth
Qualifications: Retired Public Relations Person
Membership of Community Groups:
Town of Vincent Seniors Committee
Town of Vincent "Vincent Vision" Community Member
North Perth Precinct Group - Member
Reasons to be considered as a Community Representative:
Would like to help in any way she can.

2. **Name:** Mr Raymond Stevenson, JP
Address: North Perth
Qualifications: N/A
Membership of Community Groups:
Leederville Community Action Group - Chair
Leederville Lions Club
Reasons to be considered as a Community Representative:
Believes it is important to be aware and make the community aware of safety and security issues within the Town. There are ever increasing issues such as community concerns about law and order, anti-social behaviour, noise control, etc, which should have strategic crime prevention programs.

As Chair of the Leederville Community Action Group, is willing and believe would be an asset, in developing strategies, providing information and initiatives and making recommendations in a group forum to address public safety.

APPENDIX 10.4.3

SENIORS ADVISORY GROUP:

(Mayor, Cr Doran-Wu, Cr Farrell, Cr Torre)

1. **Name:** Ms Carmen Harrison
Address: North Perth
Qualifications: Registered Mental Health Nurse, BA Hons (Sociology)
Membership of Community Groups:
N/A at present, but has been a member of both State and Federal Advisory Committees on issues relating to Multiculturalism
Reasons to be considered as a Community Representative:
Has a personal interest and concern for seniors in our society and particularly seniors of CALD background and from a professional perspective, having worked with the Multicultural Day Centre in North Perth.

Speaks Italian and Croation so was invited as a facilitator for the Seniors Forums being held by the Town.

SUSTAINABILITY ADVISORY GROUP:

(Up to 5 required) (Mayor, Cr Ker, Cr Lake, Cr Maier)

1. **Name:** Ms Helen Griffiths
Address: Mt Hawthorn
Qualifications: Bachelor of Arts (Urban & Regional Studies), Hons - Sustainable Development
Membership of Community Groups:
Community Member Town of Vincent's Community Visioning 2024 Taskforce and also member of Professional Panel
Town of Vincent Heritage Advisory Group
Member of Art Deco Society of WA
Reasons to be considered as a Community Representative:
Sustainability in environmental, economic and social terms is one of the core elements of strategic planning as a practicing Town Planner. It is also instrumental to development practices such as subdivisions and lot sizes, building orientations and water recycling systems for buildings and parklands.

Moreover, as an individual has long been a practicing advocate of environmental sustainability through everyday conservation, waste minimisation and recycling. This extends to heritage matters and adaptive use (recycling) of buildings through involvement with heritage groups that no longer exist. (Also lives in an Art Deco home with "recycled" furnishings and ornaments.)

APPENDIX 10.4.3

SUSTAINABILITY ADVISORY GROUP: (.../cont)

3. **Name:** Ms Lorraine Thomas
 Address: Mt Lawley
 Qualifications: Bachelor of Science (Environmental Science) Hons in
 Sustainable Development (Murdoch University)

Membership of Community Groups:

N/A

Reasons to be considered as a Community Representative:

Has a keen interest in sustainable development particularly as it relates to her local area. Believes in the statement "Think global, act local" and would love the opportunity to influence the development of a sustainability agenda for the Town. Her qualifications in sustainable development and passion for it would be an asset to the Town's advisory group on sustainability. Was involved in the Vincent Visions exercise and thought it was a great exercise, however believes more needs to be done in relation to sustainable development, particularly since the Town already has such great assets and a foundation which can be built upon.

As a young resident (25 y/o) and first home owner hopes to bring a fresh perspective to some of the issues the committee is expected to address. Moved to the Town because of its vibrancy, diversity, amenity, community spirit and sense of place – all essential elements of a sustainable community. Feels her keen interest and knowledge of sustainability principles and application combined with knowledge of State government policies and other strategies on sustainability would be an asset to the committee.

UNIVERSAL ACCESS ADVISORY GROUP:

(3 required) (Cr Ker, Cr Maier)

1. **Name:** Mr Neil Walter Ansel
 Address: Marangaroo
 Qualifications: N/A

Membership of Community Groups:

Landsdale Family Support Association
Cerebral Palsy Association of WA Ltd, Coolbinia

Reasons to be considered as a Community Representative:

To contribute to further the interests of the disabled, e.g. improvements in ramps in public places, etc.

APPENDIX 10.4.3

UNIVERSAL ACCESS ADVISORY GROUP: (/...cont)

2. **Name:** Ms Jasmine McDonald
 Address: Mt Hawthorn
 Qualifications: BA, Dip.Ed, M.Sp.Ed (Hons)
 Membership of Community Groups:
 Member of;
 Autism Association, Therapy Focus, Learning and
 Attentional Disorders Society (LADS)
 Home based Learning Network of WA (HBLN)
- Reasons to be considered as a Community Representative:**
 Believes would contribute positively to this Group
 because is a parent of a 17 year old son diagnosed with
 high functioning autism. Has also had considerable
 experience with disability issues trying to advocate on
 behalf of son in order that he achieves his potential in life.
 Has experience in the secondary teaching area (ten years
 as an English and Literature Teacher) and five years as a
 Communication Lecturer in the TAFE system. Completed
 a Masters in Special Education at UWA in 2001 and was
 awarded top student in year (awarded the "Francis George
 Bradshaw" prize). Is presently home schooling her son
 through the School of Isolated and Distance Education
 (SIDE) and completing a PhD in Disability Education
 through the Australian Post-Graduate Award System at
 UWA.
3. **Name:** Mr Richard Newman
 Address: North Perth
 Qualifications: Dip Child Psychology, Cert IV Community (Disability)
 Membership of Community Groups:
 N/A.
- Reasons to be considered as a Community Representative:**
 Has a keen interest in the well being of people with
 disabilities and their carers. Has been employed in the
 disability field for over 12 years and has been a young
 carer of a family member with a disability. Is acutely
 aware of some of the boundaries and issues facing people
 with disabilities and their carers within the community and
 would like to work towards reducing those barriers and
 increasing awareness within the community.

APPENDIX 10.4.3

UNIVERSAL ACCESS ADVISORY GROUP: (/...cont)

4. **Name:** Mr Ken Nylander
 Address: Mt Lawley
 Qualifications: B.Sc., MACS
 Membership of Community Groups:
 Former Board Member of Activ Foundation - 1988-1996
 Former Member of Pilbara Community Living
 Association, Port Hedland - 1997
 Reasons to be considered as a Community Representative:
 To improve access for people with mobility problems.
 To help achieve better facilities for people with disability.

 Has a two year old in a wheelchair and has always been
 concerned about improving the access to facilities in the
 local area and the standard of existing facilities.
5. **Name:** Mr T F (Frank) Smith
 Address: West Perth
 Qualifications: B.Sc. (Hons), M.Sc, BA (Journalism), Grad Dip Edn.;
 Grad Dip Science Edn.
 Membership of Community Groups:
 Cleaver Precinct Group
 Claisebrook Catchment Group
 Rural Media Association
 Society of Editors (WA)
 Mensa
 University of the Third Age
 Reasons to be considered as a Community Representative:
 Is mobility impaired and has been for three years. Is an
 articulate, literate, educated and has extensive experience
 of local and state government and private industry.

 Believes can make a difference to the Town and contribute
 to the development of appropriate and cost-effective
 policies for disabled people.

10.4.4 Community Consultation Policy No 4.1.5 - Receiving of Public Submissions

Ward:	Both Wards	Date:	22 June 2005
Precinct:	All Precincts	File Ref:	PLA0116
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on public submissions received concerning the Draft Community Consultation Policy;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY the Draft Amended Policy No. 4.1.5 relating to "Community Consultation", and the Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters subject to the following amendments to the Guidelines:*
 - (a) *Clause 3.6 – Nature and Extent of Consultation – 3.6.1 (1) of the Consultation Matrix Notes (page 35) being amended to read as follows:*

“(1) The number of days in the Comment Period excludes public holidays, and Easter and Christmas-New Year Festive Periods as per clause/table 3.7 – Holiday Periods. The number of days in the Comment Period is to be extended by seven (7) days if the planning application is not accompanied by a consent and indemnity form signed by the applicant and/or owner.”

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to seek the adoption of the Draft Amended Policy No. 4.1.5 relating to "Community Consultation" and the Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters (which both include the Draft Community Consultation Charter - Planning, Building and Heritage Matters).

BACKGROUND:

At the Ordinary Meeting of Council held on 28 June 2005 resolved inter-alia as follows:

- “(iv) AUTHORIZES the Chief Executive Officer to:*

- (a) *advertise the Draft Amended Policy No. 4.1.5 relating to "Community Consultation" for a period of twenty one (21) days, seeking public comment;*
- (b) *submit a further report to the Council if any public submissions are received; and*
- (c) *include the Draft Amended Policy No. 4.1.5 relating to "Community Consultation" in the Policy Manual if no public submissions are received."*

DETAILS:

At the close of consultation period on 31 August 2005 three (3) submissions were received as follows:

1. Marie Slyth – West Perth

An email was received as follows:

"Because I am off on holidays tonight for six weeks, I haven't had a hope of properly looking over this draft policy.

My only comment therefore can be that as a member of the TOV community I think it would be wrong to do away with any of the original community commitments we had achieved in May 2004 plus some even more open commitments.

If we want to keep TOV as the best town in which to live then full open government is essential.

Any decisions made behind closed doors always create suspicion and doubt in the community. Corporation decision included."

CEO's Comment:

The comments are noted. No change to the policy has been suggested or is recommended.

2. Smith's Lake Precinct Group

The Smith's Lake Precinct Group advised that they discussed this matter at their August Meeting and their comments are as follows:

"The meeting endorsed the draft. We were pleased that the principal changes sought by the Precinct groups have been adopted with due consideration of the impact on the workload of the Town's staff and budget. The language and format is also in a customer friendly style."

CEO's Comment:

The comments are noted. No change to the policy is necessary.

3. Julie Mackay – address not specified

“I support and welcome the proposed changes to the 'Community Consultation Policy'. In particular I believe that the conditions listed in clause 3.11 potentially make it easier for neighbours to view plans of developments happening on adjoining properties.

I would like to suggest an amendment to this clause, specifically clauses 3.11.1 (b) and 3.11.1 (d) which would see the comment periods listed in Tables 1, 2 and 3 extended by 14 days if the applicant does not sign the 'consent and indemnity form'.

*Signed Indemnity Form = 14 days advertising
Un-Signed Indemnity Form = 28 days advertising*

This would allow for a longer length of time for neighbours to make arrangements to come into the Council Offices / Library to view the plans.

I understand that in most cases applicants sign this form so there should be little call for this suggested extended period to be used.

I believe that this will also act as an incentive for applicants to sign the form by making the processing of their application quicker.”

CEO's Comment:

These comments are supported and the necessary amendments have been made to the draft Policy at clause 3.6.

4. Norfolk Precinct Group

A fourth submission was received after the closing date from Jim Fitzpatrick, Chairperson of the Norfolk Precinct Group. The comments are as follows:

“Whilst I realise that the period for comment on the above proposed policy has passed, I would still like to pass on to you the opinions of the Executive of the Norfolk Precinct Group on this. We would like to express our support for the general aims of the policy and to say that we are very happy that the Council has attempted to widen the number of people to be notified when developments occur in their locality. Whilst we're unsure of how the new policy will translate into practice, it is certainly a very positive move and we appreciate the attempts to increase community consultation.”

CEO's Comment:

These comments are noted. No changes to the draft policy are being requested.

CONSULTATION/ADVERTISING:

The proposed policy was advertised in the Guardian Express on 9 August 2005, on the Town's Website and distributed to the local precinct and business groups.

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 Community Consultation Policy is in keeping with the Town's Strategic Plan 2005-2010: Key Result Area 4.2 *'Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town'*.

FINANCIAL/BUDGET IMPLICATIONS:

No additional funds have been necessary as all work has been carried out *"in-house"*, using existing resources.

COMMENTS:

Four (4) submissions have been received, all of which are supportive of the draft Policy. The fourth submission requested a minor change to the consultation period and this is supported.

Accordingly, it is recommended that the draft policy be approved.

10.4.5 Review and Adoption of Policy – Perth Oval (Members Equity Stadium) Concerts

Ward:	South	Date:	5 September 2005
Precinct:	Hyde Park, P12	File Ref:	RES0072
Attachments:	-		
Reporting Officer(s):	D Brits, John Giorgi		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to submissions received regarding the Town's proposed Draft Policy relating to Concerts at Members Equity Stadium (Perth Oval);*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt the reviewed Policy No 4.1.25 - relating to Concerts at Members Equity Stadium (Perth Oval) as endorsed by the Council appointed Stadium Committee;*
- (iii) *AUTHORISES the Chief Executive Officer to make minor amendments that may become necessary as raised by the City of Perth or Department of Environment or other agency in the future and thereafter advise the Council accordingly by way of an Information Bulletin Item;*
- (iv) *REQUESTS the Stadium Manager to conduct a local community survey in 12 months time by way of a letter drop to all residents within a reasonable radius and to report on the outcome; and*
- (v) *ADVISES:*
 - (a) *Allia Venue Management Pty Ltd of the amended Policy; and*
 - (b) *the respondents that the Council considered their submissions, reviewed the clauses where relevant the intention to conduct a further local community survey in 12 months time by way of a letter drop to all owners and/or occupiers within a 200 metre radius and to report on the outcome.*

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Farrell

That clause 5.2 of the policy document be deleted and replaced with a new clause 5.2 as follows:

“5.2 a *Public Transport Promotion Plan to be submitted not less than thirty (30) days prior to the event and is subject to approval by the Town’s Chief Executive Officer for events with attendees estimated by the Town’s Chief Executive Officer to be above 10,000 attendees and such Plan shall include;*

(a) *a requirement ~~for~~ promoting and/or encouraging the use of “joint ticketing” or its equivalent proposal provided by the State’s Transport Authority; and*

(b) *formal comment from the State’s Department for Public Transport (Transperth) and their advice on strategies in place for concerts at three large venues such as Subiaco Oval in the Metropolitan Area.”*

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Debate ensued.

Moved Cr Lake, Seconded Cr Maier

That clause 2.3 of the policy document be deleted and replaced with a new clause 2.3 as follows:

“2.3 *Whenever possible, every endeavour should be made to ensure that concerts are not to be held between Sunday and Thursday inclusive. Concerts applying to be held between Sunday and Thursday will only be approved ~~in~~ if they are national or international tour with fixed commitments before and after the proposed Perth date(s).”*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Debate ensued.

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Torre was an apology.)

At 10.15pm it was,

Moved Cr Messina, Seconded Cr Doran-Wu

That Item 10.4.5 be recommitted for further consideration.

CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Ker, Seconded Cr Chester

That the words “The bond can be used at the absolute discretion of the Town’s Chief Executive Officer” should be included at the end of clause 4 referring to the Bond.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Messina, Seconded Cr Lake

That clause 4 of the policy document be deleted and replaced with a new clause 4 as follows:

“4. Bond

A Deed be executed between the Town of Vincent (Licensor), Allia Venue Management Pty Ltd (Manager) and the concert promoter (Licensee) in which a noise control and concert bond of \$20,000 be received from the first \$20,000 of ticket sales for the event and be held in trust to be used by the Town to penalise the promoter for a serious breach(es) of the noise control policy requirements and where the promoter fails to remedy the non-compliance as directed by the Town. The bond can be used at the absolute discretion of the Town's Chief Executive Officer”

Debate ensued.

AMENDMENT PUT AND LOST (1-7)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.4.5

That the Council;

- (i) *RECEIVES the report relating to submissions received regarding the Town's proposed Draft Policy relating to Concerts at Members Equity Stadium (Perth Oval);*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt the reviewed Policy No 4.1.25 - relating to Concerts at Members Equity Stadium (Perth Oval) as endorsed by the Council appointed Stadium Committee, subject to the following new clauses:*
 - “5.2 a Public Transport Promotion Plan to be submitted not less than thirty (30) days prior to the event and is subject to approval by the Town's Chief Executive Officer for events with attendees estimated by the Town's Chief Executive Officer to be above 10,000 attendees and such Plan shall include;*
 - (a) a requirement promoting and/or encouraging the use of “joint ticketing” or its equivalent proposal provided by the State's Transport Authority; and*
 - (b) formal comment from the State's Department for Public Transport (Transperth) and their advice on strategies in place for concerts at three large venues such as Subiaco Oval in the Metropolitan Area.”*

“2.3 Whenever possible, every endeavour should be made to ensure that concerts are not to be held between Sunday and Thursday inclusive. Concerts applying to be held between Sunday and Thursday will only be approved if they are national or international tour with fixed commitments before and after the proposed Perth date(s).”

- (iii) *AUTHORISES the Chief Executive Officer to make minor amendments that may become necessary as raised by the City of Perth or Department of Environment or other agency in the future and thereafter advise the Council accordingly by way of an Information Bulletin Item;*
- (iv) *REQUESTS the Stadium Manager to conduct a local community survey in 12 months time by way of a letter drop to all residents within a reasonable radius and to report on the outcome; and*
- (v) *ADVISES:*
 - (a) *Allia Venue Management Pty Ltd of the amended Policy; and*
 - (b) *the respondents that the Council considered their submissions, reviewed the clauses where relevant the intention to conduct a further local community survey in 12 months time by way of a letter drop to all owners and/or occupiers within a 200 metre radius and to report on the outcome.*

ADDITIONAL INFORMATION 1:

On 8 August 2005, a letter was sent to Allia seeking comment on the Draft Policy. Comments were requested by 31 August 2005.

A letter from Mr Nick Tana, Chairman, Allia Venue Management Pty Ltd, dated 7 September 2005 was received by the Town on 8 September 2005. A copy of this letter was circulated to Elected Members with the Agenda for the Ordinary Meeting of Council of 13 September 2005.

Joint Ticketing

This has not been included as a Key Performance Indicator (KPI), as "joint ticketing" would involve a variation to the existing pro forma Deed of Licence. This would require the prior approval of Allia and the Town.

The Town has consistently raised the matter of increasing public transport participation with Perth Glory Football Club and subsequently, Allia. It was initially included as a KPI requirement, until recently, for the above reason.

Clause 5.2 of the Policy does not require compulsory Special Events Public Transport. It does however require a Public Transport Promotion Strategy to be submitted and approved by the Stadium Committee for events above 10,000 attendees.

ADDITIONAL INFORMATION 2:

Clause 2.3 of the reviewed Policy No. 4.1.25 – relating to Concerts at Members Equity Stadium (Perth Oval) attached at Appendix 10.4.5, was incorrectly copied from the Minutes of the Ordinary Meeting of Council held on 22 July 2005. Therefore, the amended clause 2.3 adopted at the Ordinary Meeting of Council held on 26 July 2005 requires to be inserted in the Policy.

PURPOSE OF REPORT:

The purpose if this report is for the Council to review the Policy relating to Concerts at Perth Oval (Members Equity Stadium) in light of public submissions received after advertising for public comment.

BACKGROUND:

At the Council Meeting held on 26 July 2005, Council adopted the Draft Policy as follows:

That the Council:

- (i) *RECEIVES the report relating to the Town's proposed Draft Policy relating to Concerts at Members Equity Stadium (Perth Oval);*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt Draft Policy No 4.1.25 - relating to Concerts at Members Equity Stadium (Perth Oval) as endorsed by the Council appointed Stadium Committee subject to the Draft Policy being amended as follows...'*

Subsequently, the Draft Policy was advertised for public and nearby Local Government comment on 9 August 2005 and eight (8) submissions were received. The final version of the reviewed policy is attached as Appendix 10.4.5, and the Schedule of Submissions with Officer Comment is *'Laid on the Table.'*

TABLE OF AMENDMENTS - VARIATIONS IN THE FINAL POLICY:

The following is a summary of the differences between the version adopted by the Council on 6 July 2005 and the reviewed version after public consultation:

No	OMC 6 July 2005 Version - Clause	Final Policy
1	2.1 Town of Victoria Park	add: ' <u>calendar</u> ' to year to further clarify the period
2	2.2 Department of Health WA	Add: ' <i>A maximum of two concerts per month is permitted during the summer months of November to March. <u>A concert is counted as one calendar day/date event.</u></i>
3	3.1 Department of Health and Department of Environment recommend flexibility in exceptional cases.	Add: ' <i>No advertising by Alia Venue Management in any form whatsoever is allowed prior to the Deed of Licence being issued by the Stadium Committee, <u>unless approved by the Town's Chief Executive Officer after consultation with Council and the Stadium Committee in exceptional international artist cases.</u></i>
4	6.2 Department of Environment	Amend 80dB (A) to ' <u>75dB L_{Aeq} 1 minute</u>

5	6.2 City of Perth, Department of Environment and Department of Health.	Add: <u>'or $L_{Aeq 1 \text{ minute}}$ 101dB at the mixing desk, a maximum of 30 metres from the stage.'</u>
6	6.2 Department of Environment	Replace: <u>'nearest residence'</u> with <u>'most noise affected premises'</u>
7	6.5 Department of Environment	Replace 6.5 with amended Clause: <u>'An Acoustic Engineer to remain on-site and in the immediate vicinity to monitor sound levels for the duration of the event. The Stadium Manager in consultation with the Acoustic Engineer is to put in place a Complaint Response System manned by the Stadium Management and submit a verbal report within 24 hours and written report within 5 working days after the concert to the Town's Chief Executive Officer.'</u>
8	6.8 City of Perth	Amend: <u>'Contracting the services of a reputable Acoustic Engineer and obtaining initial sound level and contour modelling is at the Promoter's expense and must be selected from a list provided by the Stadium Manager and approved by the Town's Chief Executive Officer.'</u>
9	6.9 Brewer Street Resident	add: <u>'Generators and all other motors for chillers and freezers to be located.....'</u>
10	Amend 6.11 Department of Environment	The amended Clause 6.11; <u>'The Town's Chief Executive Officer can in accordance with the policy approve a maximum of 12 concerts as per clause 2.1, provided he is satisfied that the majority of nearby residents have no overall objection to the concerts.'</u>
11	New 6.12 City of Perth	New: <u>'The promoter at own expense is to conduct through an approved Acoustic Engineer sound level monitoring on the venue and footpath of the adjoining streets (Brewer, Lord, Bulwer and Pier) and reasonable additional locations if so requested by the Duty Officers of the Town or City of Perth and promoter is to reimburse upon request the City of Perth and/or Town of Vincent should a Duty Officer have to attend upon receiving complaints.'</u> Comments: '10. Noise monitoring Provision for noise monitoring in the City of Perth by either the promoter's acoustic consultant or City staff should be made within the policy. <u>Promoter should pay for costs incurred by the City.'</u>
12	7.3 Department of Health	Delete: <u>'...(normally around 1:220).'</u>
13	7.5 Department of Health	Replace: <u>'reputable electrician'</u> with <u>'licensed electrical contractor'</u>
14	7.6 (part a) Brewer Street Resident; and Department of Health re: machinery.	add: <u>'Cleaning/clearing to be done no earlier than 7.00am Monday to Saturday or 9.00am Sundays and Public Holidays; and not after 9.00pm regarding noisy activities. Particularly if machinery or blowers are to be used.'</u>
15	7.6 (part b) Brewer Street Resident	add: <u>'Rubbish receptacles containing perishables to be emptied within two working days after an event.'</u>

16	7.8 Department of Health	As a result of Department of Health comments, the Manager Health Services recommends: <i>'Caterers and food service providers are to be FoodSafe accredited and must practice safe food handling and preparation, keep records of provisions and temperatures of perishables for inspection investigation upon request in accordance with food legislation. Temporary Food Permits are to be applied for <u>any additional transportables or food activities not covered under the annual oval food premises licence by providing details to the Town's Health Services at least seven (7) days prior to the event.</u></i>
17	7.8 Town of Victoria Park	add: <i>'.....in accordance with food legislation'</i>
18	7.11 Department of Health	Add: <i>'Event staff to be provided with brief procedures (necklace type) for their respective responsibilities, protocols and emergency contingencies, <u>unless evidence of event staff training is submitted annually.</u></i>
19	New 7.12 Department of Health	New Clause: <i><u>Operational matters regarding public buildings not covered by the policy should comply with the relevant parts of the Department of Health Guidelines for Concerts. An example is the provision of a Command Post with communications where pertinent agencies can operate and coordinate eg security, crowd control, police, local government and health department representatives, and medical and ambulance response staff.</u></i>
20	9.2 Town of Victoria Park	add: <i>'The Grandstand floodlighting.....<u>to remain illuminated....but should be extinguished upon completion of these tasks</u></i>
21	New 10 (10.1) Department of Environment and City of Perth	New Clause 10: <i><u>'A community survey of nearby residents and businesses is to be conducted in at least a radius of 200 metres from the boundary of the venue and at customers who complained regarding noise by letter-drop and advertisement in a local newspaper in the month of September 2006 by the Stadium Manager in consultation with Vincent and Perth staff that also includes nearby residents of the City of Perth to gauge the effectiveness of the concert conditions and the outcome is to be used to review the policy where relevant. Vincent Council, City of Perth, the Department of Environment and Department of Health to be advised of outcome accordingly.'</u></i>
22	Replace 11 with new text City of Perth and Department of Environment	Comments: <i>'.....additional (after two) event requires the (Town's) CEO to be satisfied that the majority of (nearby) occupiers do not object' is <u>included in the new Clause 6.11.</u></i> <i><u>New 6.11: 'The Town's Chief Executive Officer can in accordance with the policy approve more than two concerts (non-complying events) as per clause 2.1, provided he is satisfied that the majority of nearby residents have no objection to the concerts.'</u></i>

CONSULTATION/ADVERTISING:

The various Draft Concert Policies have been the subject of numerous discussions and considerable negotiations with the Stadium Managers (Allia), a letter-drop to nearby residents in adjoining streets on 28 November 2004 and an advertisement in the *Guardian Express* Newspaper on 30 November 2004. The information was also placed under community consultation on the Town's website on 30 November 2004. The boundaries for the letterbox drop to residents were north to Harold Street (south side only), south to Newcastle Street (north side), west to Beaufort Street and east to the railway line.

Subsequently, the outcome and amended Policy was reported to the Council on 26 July 2005. The version adopted by the Council was again advertised for community/public and nearby local government comment on 9 August 2005. A copy of the Advertisement is attached to the updated hard copy report. It was advertised on 9 August 2005 and submissions closed on 31 August 2005. A copy of my letter to City of Perth is also enclosed.

LEGAL/POLICY IMPLICATIONS:

The Financial Assistance Agreement and the Heads of Agreement with Allia Holdings Pty Ltd state:

'that the facility be made available to as many sporting groups as the facility design permits, including cultural and artistic events and significant occasions such as World Championships, Commonwealth Games etc'

Delegation to the Town's Chief Executive Officer from the Department of Environment under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* (as amended) to approve more than two non-conforming events if satisfied that the majority of the affected residents have no objection to the holding of the extra events.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010 (Amended), Key Result Area 3.2(e) *"Develop business strategies that provide a triple bottom line return for the Town."*

FINANCIAL IMPLICATIONS:

Nil.

COMMENTS:

The final amendments to the Draft Policy No. 4.1.25 - relating to Concerts at Members Equity Stadium (Perth Oval) in this report are recommended to the Council for approval.

APPENDIX 10.4.5

DRAFT POLICY NO: 4.1.25

**PERTH OVAL (MEMBERS EQUITY STADIUM) CONCERTS
POLICY**

OBJECTIVES

To provide guidance for the conducting of Concerts at Perth Oval (Members Equity Stadium).

POLICY STATEMENT

1. The Town is committed to preserving the reasonable amenity of residents and businesses surrounding Perth Oval and also ensuring that the reasonable community/society expectations to be entertained are met. The Town is committed to the Heads of Agreement in relation to Perth Oval/Members Equity Stadium.
2. All concerts shall comply with the Policy Operational Guidelines.
3. The Town requires the Venue Manager to take all reasonable precautions with regards to public safety, health and the appropriate and sustainable use of the venue. A current Risk Management and Evacuation Plan, satisfactory venue maintenance, sufficient crowd control and appropriate Public Liability Cover is to be maintained.
4. Event Application is to be made on the Deed of Licence Application and approved by the Stadium Management Committee. The Town's Chief Executive Officer may request additional information or action as deemed appropriate. All applications will be assessed on their compliance with the Concert Operational Guidelines.
5. This Policy is in addition to relevant legislation, Australian Standards, the Heads of Agreement and any directions issued by the State Government of Western Australia for a '*Significant Event*'.
6. Refer to the attached Operational Guidelines for detail.

Date Adopted:	2005
Date Amended:	-
Date Reviewed:	-
Date of Next Review:	-

**OPERATIONAL GUIDELINES AND POLICY PROCEDURES
FOR
PERTH OVAL (MEMBERS EQUITY STADIUM) REGARDING
CONCERTS - DRAFT POLICY NO 4.1.25**

As at 13 September 2005

1. Duration

1.1 Concert Duration not to exceed six (6) hours.

2. Number and Frequency of Concerts

2.1 Subject to clause 6.11, the number of concerts in a calendar year is limited to twelve (12).

2.2 A maximum of two concerts per month is permitted during the summer months of November to March. A concert is counted as one calendar day/date event.

2.3 Whenever possible, every endeavour should be made to ensure that concerts are not to be held between Sunday and Thursday inclusive. Concerts applying to be held between Sunday and Thursday will only be approved ~~if~~ if they are national or international tour with fixed commitments before and after the proposed Perth date(s).

3. Advertising of Events

3.1 No advertising by Allia Venue Management in any form whatsoever is allowed prior to the Deed of Licence being issued by the Stadium Committee, unless approved by the Town's Chief Executive Officer after consultation with Council and the Stadium Committee in exceptional international artist cases.

3.2 Allia to use their best endeavours to ensure that events are not advertised before a Licence has been issued by the Stadium Committee/Town.

4. Bond

4.1 A Noise Control and Concert Bond of \$20,000 to be submitted to the Town with the Deed of Licence. This will be used by the Town to penalise a promoter for a serious breach(es) of the noise control policy requirements and where the promoter fails to remedy the non-compliance as directed by the Town. The bond can be used in the absolute discretion of the Town's Chief Executive Officer.

5. Public Transport and Parking

5.1 The vehicles parked inside the venue are to be limited to 35 in clearly demarcated parking bays in areas not obstructing access to buildings or in the evacuation routes.

- 5.2 a Public Transport Promotion Plan to be submitted not less than thirty (30) days prior to the event and is subject to approval by the Town's Chief Executive Officer for events with attendees estimated by the Town's Chief Executive Officer to be above 10,000 attendees and such Plan shall include;
- (a) a requirement ~~for promoting and/or encouraging~~ the use of "joint ticketing" or its equivalent proposal provided by the State's Transport Authority; and
- (b) formal comment from the State's Department for Public Transport (Transperth) and their advice on strategies in place for concerts at three large venues such as Subiaco Oval in the Metropolitan Area."
- 5.3 The adjacent Pier Street 'Stadium Car Park' is only to be used for parking activities.
- 5.4 A Traffic Management and Flow Plan is to be submitted with the application.
- 5.5 Public parking facilities in the vicinity of the venue is to be included in local advertising and on the website advertising the event if available.

6. Sound Control

- 6.1 Proposed venue lay-out plan regarding stage, sound barriers, position of speakers, marquees, mobile units, etcetera is to be submitted with the original Deed of Licence application.
- 6.2 Maximum sound level of 75dB $L_{Aeq\ 1\ minute}$ to be received on the footpath at the most noise affected premises ~~and~~ or $L_{Aeq\ 1\ minute}$ 101dB at the mixing desk, a maximum of 30 metres from the stage.' However, should more than three (3) noise complaints be received within 15 minutes the sound levels are to be adjusted (lowered) to address the complaint.
- 6.3 All amplified music to cease by 10.30pm.
- 6.4 Pre-event sound checks are to be as follows:
- (a) Between 3.30pm and 7.30pm prior to event day for a maximum of 60 minutes; and/or
- (b) Between 11.00am and 6.00pm on the event day for a maximum of 60 minutes.
- 6.5 An Acoustic Engineer to remain on-site and in the immediate vicinity to monitor sound levels for the duration of the event. The Stadium Manager in consultation with the Acoustic Engineer is to put in place a Complaint Response System staffed by the Stadium Management and submit a verbal report within 24 hours and written report within 5 working days after the concert to the Town's Chief Executive Officer.
- 6.6 Acoustic Engineer and Promoter to conduct a pre-concert meeting at least 7 days prior to the concert with residents directly adjacent to the venue on Pier, Brewer, Bulwer and Lord Streets in addition to a letter-drop (upon receiving approval) in a 200 metre radius advising event details and two event contact

- telephone numbers (non-compliance will lead to a portion of the bond being forfeited).
- 6.7 Acoustic Engineer to advise Stadium Management on positioning of sound barriers particularly regarding areas where sound is likely to 'leak' from the venue.
- 6.8 Contracting the services of a reputable Acoustic Engineer *and obtaining initial sound level and contour modelling* is at the Promoter's expense and must be selected from a list provided by the Stadium Manager and approved by the Town's Chief Executive Officer.
- 6.9 Generators *and all other motors for chillers and freezers* to be so located and provided with sound barriers to prevent unreasonable noise to nearby residents. ~~but remain in safe practical areas.~~
- 6.10 The Promoter is to comply with all requirements relating to event advertising, and liaison with residents and business proprietors.
- 6.11 *The Town's Chief Executive Officer can in accordance with the policy approve more than two concerts (non-complying events) as per clause 2.1, provided he is satisfied that the majority of nearby residents have no objection to the concerts. Cognisance will be take of any survey results of adjacent owners and/or occupiers prior to making a decision (the community survey shall be of nearby residents and businesses in at least a radius of 200 metres from the boundary of the venue and of customers who complained regarding noise, by letter-drop and advertisement in a local paper. Consultation with City of Perth staff shall also include nearby residents of the City of Perth).*
- 6.12 *The promoter at own expense is to conduct through an approved Acoustic Engineer sound level monitoring on the venue and footpath of the adjoining streets (Brewer, Lord, Bulwer and Pier) and reasonable additional locations if so requested by the Duty Officers of the Town or City of Perth and promoter is to reimburse upon request the City of Perth and/or Town of Vincent should a Duty Officer have to attend upon receiving complaints.*

7. Public Building and Risk Management

- 7.1 Pre and post concert meetings to be arranged by the Stadium Manager, compliance with the Stadium Risk Management Plan and directions of State Agency representatives and Council's Managers are requirements.
- 7.2 Any variations to standard concert-specific items are to be addressed in a Risk Management Plan Addendum. The variations are to be submitted to the Town with the original application for assessment.
- 7.3 Crowd controller service providers, and ratios of crowd controllers to spectators are subject to application by the promoter/stadium manager for prior approval from the Department of Racing, Gaming and Liquor - Liquor Licensing Division, WA Police Services, Department of Health, WA Drug and Alcohol Office and the Town (~~normally around 1:220~~).
- 7.4 The Stage and all temporary structures are to be certified safe by a Structural Engineer and copy provided to the Town at the promoter's expense.

- 7.5 All temporary electrical works to be certified safe and compliant prior to the event by a ~~reputable electrician~~ licenced electrical contractor at the promoter's expense.
- 7.6 Litter is to be removed from the Stadium adjoining streets within twelve (12) hours of the Event finish time; and the Stadium is to be cleared of rubbish and stored in secure receptacles within twenty-four (24) hours of the Event finish time. Cleaning/clearing to be done no earlier than 7.00am Monday to Saturday or 9.00am Sundays and Public Holidays; and not after 9.00pm regarding noisy activities. Particularly if machinery or blowers are to be used. Rubbish receptacles containing perishables to be emptied within two working days after an event.
- 7.7 Liquor Licensing arrangements to comply with the approved liquor licence for concerts and the provision of an appropriate Alcohol-Free Family Area of reasonable size and appropriately sign posted.
- 7.8 Caterers and food service providers are to ~~be FoodSafe accredited and must practice safe food handling and preparation~~, keep records of provisions and temperatures of perishables for inspection investigation ~~upon request in accordance with food legislation~~. Temporary Food Permits are to be applied for any additional transportables or food activities not covered under the annual oval food premises licence by providing details to the Town`s Health Services at least seven (7) days prior to the event.
- 7.9 All details of additional live entertainment and mechanical equipment other than singing and music are to be detailed and submitted with the original application for assessment.
- 7.10 All live entertainment is subject to additional public liability insurance cover and approval from the Town, and includes pyrotechnics (fireworks), parachuting, streamers, motorcycles, 'dare devils', rides, toys, etcetera.
- 7.11 Event staff to be provided with brief procedures (necklace type) for their respective responsibilities, protocols and emergency contingencies, unless evidence of event staff training is submitted annually.
- 7.12 Operational matters regarding public buildings not covered by the policy should comply with the relevant parts of the Department of Health Guidelines for Concerts. An example is the provision of a Command Post with communications where pertinent agencies can operate and coordinate eg security, crowd control, police, local government and health department representatives, and medical and ambulance response staff.

8. Damage

- 8.1 Any significant damage to the buildings, seating, grounds or pitch damage is to be reported to the Town`s Chief Executive Officer within 24-hours after the event by the Stadium Manager.
- 8.2 Heritage listed Perth Oval Main gates are not to be accessed by trucks or delivery vehicles and barricading, temporary signage or a retractable bollard are to be provided by the Venue Manager to protect them from possible damage.

9. Other Operational Items

- 9.1 Stadium light towers to be switched off no later than 11.00pm.
- 9.2 The Grandstand floodlighting may be permitted *to remain illuminated* to enable production crews to work safely whilst conducting necessary work or dismantling equipment, *but should be extinguished upon completion of these tasks*.
- 9.3 All permanent Toilet Facilities are to be available to patrons (public access), kept tidy and consumables provided during the course of the concert. Toilet buildings are not to be reserved for entertainers or used for other purposes unless the appropriate number of additional alternative facilities are to be introduced and the location approved.
- 9.4 Should any item be banned from an event, adequate temporary signage to be provided on site, at strategic locations throughout the Stadium (eg entrances, main walkways). Conflict with attendees are to be prevented and security or crowd control staff to remain courteous. Council and State Agency representatives are allowed to use cameras limited to official purposes.
- 9.5 The Town reserve the right to impose additional conditions on a promoter based upon complaints or concerns received regarding a previous event in the discretion of the Chief Executive Officer.

10. Community Survey after 12 months

- 10.1 *'A community survey of nearby residents and businesses is to be conducted in at least a radius of 200 metre from the boundary of the venue and of customers who complained regarding noise by letter-drop and advertisement in a local newspaper in the month of September 2006 by the Stadium Manager in consultation with Vincent and Perth staff that also includes nearby residents of the City of Perth to gauge the effectiveness of the concert conditions and the outcome is to be used to review the policy where relevant. Vincent Council, City of Perth, the Department of Environment and Department of Health to be advised of outcome accordingly.'*

10.4.6 Provision of Transport Assistance for Persons Aged Over 55 Years and People with Disabilities – Policy No 1.1.11 – Policy and Guidelines – Receiving of Public Submissions

Ward:	Both	Date:	6 September 2005
Precinct:	All	File Ref:	FIN0008
Attachments:	001		
Reporting Officer(s):	S Jarman/A Bateman		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY Policy No 1.1.11 Guidelines and Policy Procedure - Provision of Transport Assistance for People aged over 55 Years and People with Disabilities.

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Cr Chester departed the chamber at 9.37pm.

Debate ensued.

Cr Chester returned to the chamber at 9.39pm.

Moved Cr Ker, Seconded Cr Lake

That the policy be amended to include a clause that states that assistance generally will not be given where transport or financial assistance is available under other programs.

AMENDMENT PUT AND LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER (4-5)

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

(Cr Torre was an apology.)

Debate ensued.

Moved Cr Ker, Seconded Cr Maier

That the words “Seniors Card” be deleted wherever it appears in the policy document.

Debate ensued.

AMENDMENT PUT AND CARRIED (5-3)

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

(Cr Torre was an apology.)

Debate ensued.

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.4.6

That the Council APPROVES BY AN ABSOLUTE MAJORITY Policy No 1.1.11 Guidelines and Policy Procedure - Provision of Transport Assistance for People aged over 55 Years and People with Disabilities, subject to the words "Seniors Card" being deleted wherever it appears in the Policy Document.

PURPOSE OF REPORT:

The purpose of the report is to report back to Council on public submission made on the policy guidelines for the Provision of Transport Assistance for Persons Aged Over 55 years People with Disabilities – Policy No 1.1.11.

BACKGROUND:

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

"That the Council;

- (i) ADOPTS the proposed new guidelines for Community and Welfare Donations - Transport Assistance for Persons 55 Years and Over and People with Disabilities subject to:*
 - (a) the amount of "\$100" being changed to "\$200" in paragraph 2 of the "Background";*
 - (b) preference be given to supporting access to facilities, services and activities within the Town except where those necessary facilities, services and activities are not available within the Town;*
 - (c) separation of eligibility criteria into mandatory and non-mandatory items; and*
 - (d) clarification that applicants which are eligible for support through other agencies will be assisted in applying through these organisations;*
- (ii) AUTHORISES the Chief Executive Officer to:*
 - (a) advertise the proposed new policy for a period of twenty one (21) days, seeking public comment;*
 - (b) report back to Council with any public comments received; and*

- (c) *include the Policy in the Policy Manual if no public submissions are received; and*
- (iii) *LISTS an amount of \$20,000 for consideration in the 2005/2006 Budget to progress the donations for transport, to enable transport, to enable transport for up to 100 residents per year (instead of the original 50)."*

DETAILS:

A recent focus on the needs of seniors in the Town of Vincent has resulted in a number of enquiries about transport services and the possibility the Town could provide assistance in a more direct manner. As part of its Seniors' Strategy, the Town is currently holding forums involving seniors looking at a range of issues including transport. It is expected that some useful strategies for addressing the short and long term transport needs for seniors will come out of these forums. The Town, therefore, does not wish to invest in the development of new services or infrastructure before the seniors have fully outlined and explained their needs and ideas in relation to transport.

To address the possibility that there may be unmet needs for transport in the Town in the short term, the Community and Welfare Donations Scheme has been broadened to include the category of Transport Assistance for Persons 55 Years and over and People with Disabilities.

The intent of the guidelines is to target people who may not have access to their own transport or convenient public transport options and who may not have the means to pay for taxis and other forms of commercial transport.

The guidelines were revised following the recommendations of Council at the meeting on 8 March 2005.

The following submissions were received.

1. D Maier of Chatsworth Road, Highgate*

"I wish to comment on the Draft Transport Assistance Policy. The policy was considered by Council before my election so I did not get a chance to have input at that stage.

I have two concerns with the policy.

Firstly, I feel that the policy should have a 'means test' built in. I believe that holding a Seniors Card should not be sufficient to obtain assistance. A Seniors Card is issued if you are a permanent resident of Western Australia who is aged over 60 and who works 20 hours or less per week. A relatively wealthy person could be issued with one. I therefore believe the holding of a Seniors Card should be dropped from Section 3.

I also believe that the Town should be seen as a provider of last resort. Local Government should shy away from taking over activities which are the responsibility of Federal and State Government Departments, and the cost shifting that this entails. I believe that Section 6 should be amended to state that officers will accept the applicant's details and will advise them of any other assistance schemes which provide transport assistance such as 'Home and Community Care', and assist them in accessing those schemes in the first instance.

Where an applicant can not get assistance through some other scheme the Town will consider providing such assistance. The approval process may take up to two working days.

Thank you for the opportunity to comment on this policy."

* Cr Maier has advised that he made this submission prior to being elected to the Council.

Officer's Comments:

The policy and guidelines state that transport assistance will be given to those 55 years and over since this is considered to be a vulnerable group in our community in regards to severe and chronic illness and losing access to transport. It would be difficult and inequitable to determine what cut off mark could set especially since it is the experience of officers that there are many seniors regardless of if they are working have a limited disposable income. Clients are interviewed in order for a needs assessment to be undertaken by officers. Applying a means test would require a full disclosure of assets, income and liabilities of an individual which is an invasive procedure and would deter any individuals from seeking help from the Town of Vincent.

The process of assessment in community development for anyone that seeks assistance is to ensure that they are aware of other services available in the Town. Community Development Officers adhere to industry professional standards by ensuring that any clients seeking assistance are interviewed and referred to appropriate services in-house or externally.

Currently, there are limited services available for the provision of transport as prescribed by the Town's guidelines and the need for such policy for the provision of transport has been expediated to ensure that seniors and people with disabilities have equitable access to transport.

2. K M Baker of Harold Street, Mt Lawley

"I believe it would be fair and equitable to include under this heading assistance for seniors and the disabled when requiring transport to place their pets in registered boarding facilities.

Officer's Comment:

The policy and guidelines for transport assistance has been developed to assist seniors and people with disabilities. Pet owners who wish to transport their pets would not be eligible under these guidelines. A number of options are available for these specific purposes which can be obtained from their respective veterinarians.

3. Smith's Lake Precinct Group

The Smith's Lake Precinct Group advised that they considered this matter at their August Meeting and their comments are as follows:

"We endorsed the principles underlying this draft policy, but raise two questions. Firstly, we consider the qualifying age of 55 years to be too low and would like to know the reasons for the choice of this age. Members were concerned about the longer-term budget implications with an aging Australian population. We considered

a qualifying age of 65 years to be a better choice. Secondly, we think the estimated budget implications should have been given with the draft and should be made public before Council adopts the draft policy.”

Officer's Comment:

The definition of a senior for the purposes of the Seniors Study undertaken by the Town of Vincent and as defined by the Australian Bureau of Statistics, is a person who is 55 years of age and over. This definition is also applied across the industry including being the specific age for entry into a retirement village.

It should be noted that current assistance for transport as provided by the Home and Community Care programme only strictly applies to seniors who are frail aged and have a disability. It has been the experience of officers that due to the stringent guidelines, there are other seniors who fall through the gap and unable to access much needed assistance in the form of transport assistance to maintain general health and well-being.

The budget is limited to the amount of \$20,000 as approved by Council and listed on the 2005/06 Budget. The intention is to provide an evaluative report to Council on the implications of this new policy. Until such a time, it would be difficult to predict the exact demand for this assistance by the target group.

CONSULTATION/ADVERTISING:

Advertisements calling for public comment were placed in the Guardian Express News on 9 August 2005, placed on the Town's website and distributed to all precinct and business groups.

Submissions closed on 31 August 2005. Three submissions were received as detailed in this report.

STRATEGIC IMPLICATIONS:

The donations for the transport scheme is in keeping with the Town of Vincent Strategic Plan-Amended 2005- 2010

Key Result Area 2.3 Develop and implement initiatives for universal access.

"(c) Develop creative solutions to access and equity issues, relevant to the Town's diverse community."

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$20,000 has been included in the 2005/06 Budget for this program under Seniors Transport Assistance Donations.

COMMENTS:

There has been an increase in requests to Council from residents requiring transport. There is high demand for transport services for people 55 years and over, people with disabilities and people with significant illness in meeting their medical and social needs.

Accordingly, it is recommended that the Guidelines and Policy Procedure be approved.

10.4.7 Strategic Plan Review - Deferral

Ward:	Both	Date:	7 September 2005
Precinct:	-	File Ref:	ADM0038
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

RECOMMENDATION:

That;

- (i) *the Council RECEIVES the report on the proposed amendment review of the Council's Strategic Plan;*
- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Elected Members, namely Mayor Catania, Councillor Chester and Councillor Ker, being one third of the number of offices of members of the Council, SUPPORT this motion;*
- (iii) *Councillor MOVES a motion to CHANGE the decision by deleting Clause (i) of the decision by the Council at its Ordinary Meeting held on 23 August 2005 (Item 10.4.4), which states:*
 - "(i) *APPROVES of the Indicative Timeline and Consultants' selection criteria for a review of the Council's Strategic Plan 2005-2010, as detailed in this report subject to;*
 - (a) *the criteria being amended as follows:*
 - *'1.1 – Professional expertise and relevant experience in strategic planning' being increased from 30% to 35% (and 17.5% each – where it appears); and*
 - *1.5 – Fee Proposal being reduced from 30% to 25%; and'*
 - (b) *the Indicative Timeline being amended to include a Community Forum before the draft Strategic Plan is accepted in principle. The Community Forum is for the Consultant to provide information and allow input from the community members; and"*
 - (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE the resolution adopted by the Council at its Ordinary Meeting held on 23 August 2005 (Item 10.4.4);*
 - (v) *the Council APPROVES BY AN ABSOLUTE MAJORITY of the following:*
 - "(i) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to arrange a suitable timetable in early 2006 to review the Town's Strategic Plan and to obtain new quotations from suitable consultants to assist in the review process; and"*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Cr Chester moved clause (iii) as follows:

(iii) *Councillor Chester MOVES a motion to CHANGE the decision by deleting Clause (i) of the decision by the Council at its Ordinary Meeting held on 23 August 2005 (Item 10.4.4), which states:*

“(i) *APPROVES of the Indicative Timeline and Consultants’ selection criteria for a review of the Council’s Strategic Plan 2005-2010, as detailed in this report subject to;*

(a) *the criteria being amended as follows:*

- *‘1.1 – Professional expertise and relevant experience in strategic planning’ being increased from 30% to 35% (and 17.5% each – where it appears); and*
- *1.5 – Fee Proposal being reduced from 30% to 25%; and’*

(b) *the Indicative Timeline being amended to include a Community Forum before the draft Strategic Plan is accepted in principle. The Community Forum is for the Consultant to provide information and allow input from the community members; and”*

Debate ensued.

Cr Farrell departed the chamber at 9.50pm.

Moved Cr Ker, Seconded Cr Lake

That clause (iii)(i)(a) be inserted as a new clause (v)(ii).

Debate ensued.

AMENDMENT CARRIED (7-0)

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

**MOTION CARRIED BY AN
ABSOLUTE MAJORITY (7-0)**

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

Cr Farrell returned to the chamber at 9.51pm.

COUNCIL DECISION ITEM 10.4.7

That;

- (i) *the Council RECEIVES the report on the proposed amendment review of the Council's Strategic Plan;*
- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Elected Members, namely Mayor Catania, Councillor Chester and Councillor Ker, being one third of the number of offices of members of the Council, SUPPORT this motion;*
- (iii) *Councillor Chester MOVES a motion to CHANGE the decision by deleting Clause (i) of the decision by the Council at its Ordinary Meeting held on 23 August 2005 (Item 10.4.4), which states:*
- “(i) *APPROVES of the Indicative Timeline and Consultants' selection criteria for a review of the Council's Strategic Plan 2005-2010, as detailed in this report subject to;*
- (a) *the criteria being amended as follows:*
- *'1.1 – Professional expertise and relevant experience in strategic planning' being increased from 30% to 35% (and 17.5% each – where it appears); and*
 - *1.5 – Fee Proposal being reduced from 30% to 25%; and'*
- (b) *the Indicative Timeline being amended to include a Community Forum before the draft Strategic Plan is accepted in principle. The Community Forum is for the Consultant to provide information and allow input from the community members; and”*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE the resolution adopted by the Council at its Ordinary Meeting held on 23 August 2005 (Item 10.4.4);*
- (v) *the Council APPROVES BY AN ABSOLUTE MAJORITY of the following:*
- “(i) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to arrange a suitable timetable in early 2006 to review the Town's Strategic Plan and to obtain new quotations from suitable consultants to assist in the review process; and*
- (ii) *the criteria being amended as follows:*
- *'1.1 – Professional expertise and relevant experience in strategic planning' being increased from 30% to 35% (and 17.5% each – where it appears); and*
 - *1.5 – Fee Proposal being reduced from 30% to 25%.”*

BACKGROUND:

At the Ordinary Meeting of Council held on 23 August 2005 the Council resolved as follows:

“That the Council;

- (i) *APPROVES of the Indicative Timeline and Consultants’ selection criteria for a review of the Council’s Strategic Plan 2005-2010, as detailed in this report subject to;*
 - (a) *the criteria being amended as follows:*
 - *‘1.1 – Professional expertise and relevant experience in strategic planning’ being increased from 30% to 35% (and 17.5% each – where it appears); and*
 - *1.5 – Fee Proposal being reduced from 30% to 25%; and’*
 - (b) *the Indicative Timeline being amended to include a Community Forum before the draft Strategic Plan is accepted in principle. The Community Forum is for the Consultant to provide information and allow input from the community members; and*
- (ii) *AUTHORISES the Chief Executive Officer to call for quotations from suitable consultants to assist in the review process.”*

At the Council Meeting held on 21 December 2004, the Council received a report relating to a review of the Town's Strategic Plan 2005-2010 (interim) and resolved inter alia as follows:

“That the Council;

- (i) *ADOPTS the Council's Strategic Plan 2003-2008 as amended at the workshop held on 11 December 2004 and shown in Appendix 10.4.8 subject to:*
- (iv) *REVIEWS its Strategic Plan in mid to late 2005 and considers an amount of \$10,000 in the draft Budget 2005/06 for this matter.”*

DETAILS:

A “*Call for Quotations*” was advertised in the West Australian Newspaper on 27 August 2005. Approximately six (6) firms were contacted to provide quotations. Two quotations were received as follows:

1. Quotation One

This firm specialises in economic development strategies and strategic planning as its core business. This firm has had limited experience in strategic planning in local government. The limited experience predominantly related to several small rural Councils. The quotation was within budget.

2. Quotation Two

This firm specialises in strategic planning, program management, process management and research. This firm did not demonstrate any local government experience. However, the quotation far exceeded the Town's budget for this project and was not cost efficient or "*value for money*".

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.56 requires each Council to prepare a "Plan for the Future" for the next four or more years. This plan is required to be updated and reviewed annually.

Whilst it is not a legal requirement to have a Strategic Plan, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to the "Plan for the Future" and also the Annual Budget.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

As the estimated cost was less than \$50,000 quotations will be called and these will be processed in a similar manner to those applicable to tenders.

The Council has resolved that an amount of \$12,000 be included in the 2005/06 Budget.

COMMENTS:

It was disappointing to receive only two quotations for this important project. A number of firms expressed a desire to submit a quotation, however, indicated that they could not achieve the project within the specified timeframe. A more appropriate timeframe was indicated to be in early 2006.

As the two quotations received did not fully meet all the criteria required, it is recommended that the Council defers carrying out the review and authorises the Chief Executive Officer to obtain new quotations with an indicative timeframe for early 2006.

10.4.8 Loton Park – Application to Use for Luciano Pavarotti Post Concert Function

Ward:	South	Date:	5 September 2005
Precinct:	Beaufort	File Ref:	RES0096
Attachments:	001:		
Reporting Officer(s):	Various		
Checked/Endorsed by:	J Giorgi, R Lotznicher, M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that two community groups will derive a considerable benefit from the planned post-show function, namely the St. John of God Foundation Lighthouse and Kids for Cancer charities, both of which will receive a proportion of funds from tickets sold and items auctioned at the event, anticipated to be in the order of \$50,000;*
- (ii) *APPROVES the Post Pavarotti event to be held at Loton Park on Saturday 29 October 2005 subject to Exclusive Promotions Pty Ltd agreeing to comply with the following conditions;*
 - (a) *payment of a non refundable event application fee of \$5,825.00;*
 - (b) *a refundable bond of \$2,000 being lodged by the applicant as security for any damage to or clean-up of the park;*
 - (c) *the marquee and proposed parking area on the Loton Park Reserve being located within the area as outlined on the attached Plan No. 2366-LS-1;*
 - (d) *the event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$20,000,000 (twenty million dollars) for any one event and a copy of the current certificate is to be provided to the Town at least 10 (ten) days before the commencement of the event;*
 - (e) *the event organisers must indemnify the Town against any claims, damages, writs, summonses and/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;*
 - (f) *an event management plan being submitted to the Town at least 30 days prior to the event which incorporates the following aspects;*
 - *parking allocations and permits;*
 - *allocation of sites and vetting events;*
 - *risk Management Plan;*
 - *food stall permits and inspections;*
 - *site inspections; and*
 - *noise management.*
 - (g) *the proposed post-show function must conclude not later than 1.00am and entertainment and volume of entertainment must be confined to the marquee; and*

- (h) *to carry out a "door knock" of ALL residences and businesses in Bulwer Street (between Lord and Pier Streets) and Lord Street for 150 metres either side of the Lord/Bulwer Streets intersection to notify them of the event and the proposed event management, and provide all residences and businesses in the affected area with two (2) after-hours mobile contact numbers for reporting any unreasonable impact.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Farrell

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

- “(ii) (i) *litter collection will commence immediately after the event to prevent it being blown from the reserve, without creating noise to nearby residents. Cleaning/clearing with vehicles such as blowers or noisy equipment shall not commence prior to 9am on the following day.*”

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.4.8

That the Council;

- (i) *NOTES that two community groups will derive a considerable benefit from the planned post-show function, namely the St. John of God Foundation Lighthouse and Kids for Cancer charities, both of which will receive a proportion of funds from tickets sold and items auctioned at the event, anticipated to be in the order of \$50,000;*
- (ii) *APPROVES the Post Pavarotti event to be held at Loton Park on Saturday 29 October 2005 subject to Exclusive Promotions Pty Ltd agreeing to comply with the following conditions;*
- (a) *payment of a non refundable event application fee of \$5,825.00;*
- (b) *a refundable bond of \$2,000 being lodged by the applicant as security for any damage to or clean-up of the park;*
- (c) *the marquee and proposed parking area on the Loton Park Reserve being located within the area as outlined on the attached Plan No. 2366-LS-1;*
- (d) *the event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$20,000,000 (twenty million dollars) for any one event and a copy of the current certificate is to be provided to the Town at least 10 (ten) days before the commencement of the event;*

- (e) *the event organisers must indemnify the Town against any claims, damages, writs, summonses and/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;*
- (f) *an event management plan being submitted to the Town at least 30 days prior to the event which incorporates the following aspects;*
- *parking allocations and permits;*
 - *allocation of sites and vetting events;*
 - *risk Management Plan;*
 - *food stall permits and inspections;*
 - *site inspections; and*
 - *noise management.*
- (g) *the proposed post-show function must conclude not later than 1.00am and entertainment and volume of entertainment must be confined to the marquee;*
- (h) *to carry out a "door knock" of ALL residences and businesses in Bulwer Street (between Lord and Pier Streets) and Lord Street for 150 metres either side of the Lord/Bulwer Streets intersection to notify them of the event and the proposed event management, and provide all residences and businesses in the affected area with two (2) after-hours mobile contact numbers for reporting any unreasonable impact; and*
- (i) *litter collection will commence immediately after the event to prevent it being blown from the reserve, without creating noise to nearby residents. Cleaning/clearing with vehicles such as blowers or noisy equipment shall not commence prior to 9am on the following day.*

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider a request received from Exclusive Promotions Pty Ltd to conduct a "post Pavarotti" event at Loton Park on 29 October 2005.

BACKGROUND:

An application was received from Exclusive Promotions Pty Ltd on 29 August 2005 requesting approval to conduct a "post Pavarotti" V.I.P. function at Loton Park as part of the Luciano Pavarotti concert on 29 October 2005, between the hours of 5.00 pm and 1.00 am (next day).

The event organiser has requested approval to utilise the Loton Park area, which is normally used for event day parking, to set up a marquee and any remaining area of the Reserve for the parking of guests/ organisers attending the event.

DETAILS:

Both events, including the Pavarotti concert and the post-show function, will be smoke-free activities. The Pavarotti concert will be licensed under the operation of the venue caterers Mustard Catering and arrangements for the post-show V.I.P. function will be made by the selected caterers Heyder & Shears Exclusive Caterers.

The temporary marquee will be erected on the site and the remainder of the reserve area will be utilised for the parking by "V.I.P. Platinum ticket-holders" to the concert event and post-show function. Security staff will undertake to control the entry and exit access of these vehicles in a safe manner.

It is proposed to place a marquee (25m x 45m) at the north eastern end of Loton Park, with the addition of a second smaller marquee (10m x 10m) to be used as a scullery immediately alongside.

The proposed marquee location and the extent of permitted parking on the Loton Park Reserve is shown on the attached Plan No 2366-LS-1.

A professional registered security team comprising fifteen (15) personnel will be engaged by the applicant with at least one person possessing a Senior First Aid qualification to ensure the wellbeing of patrons and care of the facility.

Exclusive Promotions Pty. Ltd. will have Public Liability insurance cover of \$20,000,000 in place for the presentation of the event and will be required to indemnify the Town of Vincent under the said cover.

Two (2) community groups will derive a considerable benefit from the planned post-show function, namely the St. John of God Foundation Lighthouse and Kids for Cancer charities, both of which will receive a proportion of funds from tickets sold and items auctioned at the event, anticipated to be \$50,000.

The event is marketed to the upper socio-economic sector of the community and it can be anticipated that anti-social behaviour will not be an issue, notwithstanding the appropriate provision of security is to be made to ensure proper behaviour and protection of Loton Park, trees, gardens, turf, and associated infrastructure.

The proposed post-show function will commence at 7.00 pm and conclude at 1.00 am and it is proposed that the volume of entertainment would be contained in the marquee and it is therefore not anticipated to be a concern to nearby residents.

The promoter and head of security will conduct a pre-event and post-event meeting with the Town's Managers to address operational matters accordingly.

The standard event management conditions would apply to this event:

1. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than twenty million dollars (\$20,000,000) for any one event. A copy of the current certificate is to be provided to Council at least ten (10) days before the commencement of the event;
2. The event organisers must indemnify the Town 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.
3. An event management plan must be submitted to the Town at least 30 days prior to the event which incorporates the following aspects;
 - a. Parking allocations and permits;
 - b. Allocation of sites and vetting events;
 - c. Risk Management Plan;
 - d. Food stall permits and inspections;
 - e. Site inspections; and
 - f. Noise management.

CONSULTATION/ADVERTISING:

The promoter of the Loton Park Event is required to conduct a "door knock" of ALL residences and businesses in Bulwer Street (between Lord and Pier Streets) and Lord Street for 150 metres either side of the Lord/Bulwer Streets intersection to notify them of the event and the proposed event management and provide all residences and businesses in the affected area with two (2) after-hours mobile contact numbers for reporting any unreasonable impact.

LEGAL/POLICY:

Council approval is required for an organised event of this nature.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of Strategic Plan 2005-2010 – Community Development 2.2 Provide and develop a range of community programs and community safety initiatives “(k) *Enhancing the lifestyle of the community through the provision of leisure opportunities.*”

FINANCIAL/BUDGET IMPLICATIONS:

The event organisers will be charged a non refundable fee of \$5,825.00 for the use of Loton Park for the event. This amount is made as follows:

- \$3,500 for the 350 potential parking bays being taken up by the event
- \$1,500 tent application fee
- \$825 for 3 x Ranger parking attendants

In addition, a refundable bond of \$2,000 will be required to be lodged with the Town for the repair any subsequent damage to the turf, reticulation system or reserve plantings.

COMMENTS:

With an International Artist like Luciano Pavarotti, an event of this nature is rare and given that attendees will likely be the more mature age group, the public risk is considerably reduced.

Sound will be monitored and will be restricted to inside the marquee for patrons. The marquee will be in an area which is shielded from residences and should not cause a problem.

Security arrangements are proposed to be in place with the provision of 15 security/crowd control guards. In addition, three (3) Rangers will monitor the on-site parking.

Appropriate conditions have been proposed to ensure the amenity of the Town's residents is not adversely affected and it is therefore recommended that the Council approves the event to be held at Loton Park on Saturday 29 October 2005, subject to the conditions as outlined in the report.

10.4.9 Leederville Masterplan Project - Progress Report No.2 and Approval to Call for a Tender for Consultants

Ward:	South	Date:	7 September 2005
Precinct:	Oxford Centre P4/ Leederville P3	File Ref:	PLA0153
Attachments:	-		
Reporting Officer(s):	R Lotznicher, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Leederville Masterplan Project - Progress Report No. 2 as at 7 September 2005;*
- (ii) *APPROVES the Indicative Timeline as follows:*

<i>STAGES</i>	<i>INDICATIVE DATES</i>
<i>Stage 1 - Concept Design</i>	<i>June - October 2005</i>
<i>Stage 2 - Due Diligence of Concept Designs</i>	<i>October - December 2005</i>
<i>Stage 3 - Appointment of Principal Consultants</i>	<i>January - March 2006</i>
<i>Stage 4 - Preparation of Design Plans and Subdivision</i>	<i>March 2006 - April 2007</i>
<i>Stage 5 - Disposal of Land</i>	<i>May 2007 - October 2007</i>
<i>Stage 6 - Development/Implementation</i>	<i>October 2007 onwards</i>

- (iii) *AUTHORISES the Chief Executive Officer to call a tender for suitably qualified persons and/or organisations to provide consultancy services to assist in the implementation of the Leederville Masterplan;*
- (iv) *NOTES that:*
 - (a) *the Confidential Concept Plans as presented at the Elected Members Forum held on 19 August 2005 will be used as a basis for the calling of the Tender;*
 - (b) *the Tender will be requesting consultancy services in two parts, namely the "due diligence" of the Concept Plans and for a Panel of consultants for Stages 3 – 6 inclusive;*
 - (c) *upon the completion of the "Due Diligence" Stage, the Confidential Plans will be reported to the Council for its consideration and determination;*
- (v) *ADVISES the Water Corporation that it approves of the:*
 - (a) *relocation of the existing 1,050 diameter main drain contained within The Avenue Carpark reserve to a new alignment which would run at the rear of the Oxford Street properties subject to detailed plans and costings of the proposed works up to a maximum \$450,000 being submitted to the Town for approval; and*

- (b) *offer from the Water Corporation to cede to the Town, at \$1.00 (plus GST), the redundant portion of the reserve land (comprising up to 784m²) located within The Avenue Carpark land on Certificate of Titles 1659/262 and 1054/163, once the main sewer has been decommissioned and the main drain has been realigned; and*
- (vi) *LISTS for consideration an amount of \$450,000 in the 2006/2007 Budget for reimbursement to the Water Corporation for carrying out drainage relocation in The Avenue Carpark.*

Moved Cr Farrell, Seconded Cr Chester

That the Amended Officer Recommendation be adopted as follows:

That the Council;

- (i) *RECEIVES the report on the Leederville Masterplan Project - Progress Report No. 2 as at 7 September 2005;*
- (ii) *APPROVES the Indicative Timeline as follows and notes that the timeline is dependant upon the Delivery Model chosen and may be subject to significant revision*

<i>STAGES</i>	<i>INDICATIVE DATES</i>
<i>Stage 1 - Concept Design</i>	<i>June - October 2005</i>
<i>Stage 2 - Due Diligence of Concept Designs</i>	<i>October - December 2005</i>
<i>Stage 3 - Appointment of Principal Consultants</i>	<i>January - March 2006</i>
<i>Stage 4 - Preparation of Design Plans and Subdivision</i>	<i>March 2006 - April 2007</i>
<i>Stage 5 - Disposal of Land</i>	<i>May 2007 - October 2007</i>
<i>Stage 6 - Development/Implementation</i>	<i>October 2007 onwards</i>

- (iii) *AUTHORISES the Chief Executive Officer to call a tender for suitably qualified persons and/or organisations to provide consultancy services to assist in the implementation of the Leederville Masterplan;*
- (iv) *NOTES that:*
- (a) *the Confidential Concept Plans as presented at the Elected Members Forum held on 19 August 2005 will be used as a basis for the calling of the Tender, however acknowledges that these plans may be subject to significant revision as a result of the 'due diligence' report;*
- (v) *ADVISES the Water Corporation that it approves of the:*
- (a) *relocation of the existing 1,050 diameter main drain contained within The Avenue Carpark reserve to a new alignment which would run at the rear of the Oxford Street properties subject to detailed plans and costings of the proposed works up to a maximum \$450,000 being submitted to the Town for approval; and*
- (b) *offer from the Water Corporation to cede to the Town, at \$1.00 (plus GST), the redundant portion of the reserve land (comprising up to 784m²) located*

within The Avenue Carpark land on Certificate of Titles 1659/262 and 1054/163, once the main sewer has been decommissioned and the main drain has been realigned;

- (vi) *LISTS for consideration an amount of \$450,000 in the 2006/2007 Budget for reimbursement to the Water Corporation for carrying out drainage relocation in The Avenue Carpark;*
- (vii) *AUTHORISES the Chief Executive Officer to prepare draft Key Objectives in the categories of "Economic, Environmental, Social and Sustainability", for the Leederville Masterplan and these to be developed using the following documents as a basis;*
- (a) The Economic Development Strategy (2005-2010)*
 - (b) The Leederville Masterplan (2005)*
 - (c) Vincent Visions (2005-2024)*
 - (d) The Town of Vincent Strategic Plan (2005-2010); and*
 - (e) Oxford Centre Study (2000); and*
- (viii) *REQUESTS the Leederville Masterplan Working Group to place an immediate priority on formulating Key Objectives, using the draft Key Objectives referred to in (vii) above and these to be submitted, as soon as practicable, to the Council for approval.*

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

At 10.14pm it was,

Moved Cr Chester, Seconded Cr Farrell

That Item 10.4.9 be recommitted for further consideration.

CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Chester, Seconded Cr Farrell

That clauses (ix) and (x) be added to the recommendation (as they were omitted) as follows:

- “(ix) *REQUESTS the Chief Executive Officer to initiate further dialogue with the Water Corporation and TAFE seeking their involvement and input in the development of the masterplan; and*
- (x) *NOTES that any costs associated with the relocation of the main drain and the planning for the Leederville Masterplan will be treated as “up front” costs of the overall project evaluation and as such should be recouped for the future sale of Town owned assets within the project area.”*

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.4.9

That the Council;

- (i) *RECEIVES the report on the Leederville Masterplan Project - Progress Report No. 2 as at 7 September 2005;*
- (ii) *APPROVES the Indicative Timeline as follows and notes that the timeline is dependant upon the Delivery Model chosen and may be subject to significant revision*

<i>STAGES</i>	<i>INDICATIVE DATES</i>
<i>Stage 1 - Concept Design</i>	<i>June - October 2005</i>
<i>Stage 2 - Due Diligence of Concept Designs</i>	<i>October - December 2005</i>
<i>Stage 3 - Appointment of Principal Consultants</i>	<i>January - March 2006</i>
<i>Stage 4 - Preparation of Design Plans and Subdivision</i>	<i>March 2006 - April 2007</i>
<i>Stage 5 - Disposal of Land</i>	<i>May 2007 - October 2007</i>
<i>Stage 6 - Development/Implementation</i>	<i>October 2007 onwards</i>

- (iii) *AUTHORISES the Chief Executive Officer to call a tender for suitably qualified persons and/or organisations to provide consultancy services to assist in the implementation of the Leederville Masterplan;*
- (iv) *NOTES that:*
 - (a) *the Confidential Concept Plans as presented at the Elected Members Forum held on 19 August 2005 will be used as a basis for the calling of the Tender, however acknowledges that these plans may be subject to significant revision as a result of the 'due diligence' report;*
- (v) *ADVISES the Water Corporation that it approves of the:*
 - (a) *relocation of the existing 1,050 diameter main drain contained within The Avenue Carpark reserve to a new alignment which would run at the rear of the Oxford Street properties subject to detailed plans and costings of the proposed works up to a maximum \$450,000 being submitted to the Town for approval; and*
 - (b) *offer from the Water Corporation to cede to the Town, at \$1.00 (plus GST), the redundant portion of the reserve land (comprising up to 784m²) located within The Avenue Carpark land on Certificate of Titles 1659/262 and 1054/163, once the main sewer has been decommissioned and the main drain has been realigned;*
- (vi) *LISTS for consideration an amount of \$450,000 in the 2006/2007 Budget for reimbursement to the Water Corporation for carrying out drainage relocation in The Avenue Carpark;*
- (vii) *AUTHORISES the Chief Executive Officer to prepare draft Key Objectives in the categories of "Economic, Environmental, Social and Sustainability", for the Leederville Masterplan and these to be developed using the following documents as a basis;*

- (a) *The Economic Development Strategy (2005-2010)*
 - (b) *The Leederville Masterplan (2005)*
 - (c) *Vincent Visions (2005-2024)*
 - (d) *The Town of Vincent Strategic Plan (2005-2010); and*
 - (e) *Oxford Centre Study (2000);*
- (viii) **REQUESTS** *the Leederville Masterplan Working Group to place an immediate priority on formulating Key Objectives, using the draft Key Objectives referred to in (vii) above and these to be submitted, as soon as practicable, to the Council for approval;*
- (ix) **REQUESTS** *the Chief Executive Officer to initiate further dialogue with the Water Corporation and TAFE seeking their involvement and input in the development of the Masterplan; and*
- (x) **NOTES** *that any costs associated with the relocation of the main drain and the planning for the Leederville Masterplan will be treated as “up front” costs of the overall project evaluation and as such should be recouped for the future sale of Town owned assets within the project area.*
-

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the progress of the implementation of the Leederville Masterplan as at 7 September 2005 and to seek approval to call a tender for suitably qualified consultants to assist in the implementation of the Plan.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 July 2005 the Council resolved as follows:

"That the Council;

- (i) **RECEIVES** *the report on the Proposed Leederville Business District Redevelopment - Progress Report No. 1 as at 6 July 2005;*
- (ii) **ADVISES** *the Water Corporation of Western Australia that;*
 - (a) *it does not support their proposal to locate a 225mm "spur" sewer line through the Council's land (Lot 36 and Pt Lot 34) on the grounds that this would significantly decrease the value of the Council's land, compromise future development on the land and cause additional building costs to protect the proposed sewer and any building footings; and*
 - (b) *it prefers an alternative alignment along a proposed new gazetted road, which would be created, if this option is agreed, as shown in Confidential Plan No. 2357-CP-1;*
- (iii) **APPROVES IN PRINCIPLE;**
 - (a) *the relocation of the existing 1,050 diameter main drain (estimated to cost between \$400,000-\$450,000) contained within The Avenue Carpark reserve to a new alignment along The Avenue Carpark, and in a proposed new gazetted road which would run at the rear of the Oxford Street properties, as shown in Confidential Plan No. 2357-CP-1;*

- (b) *the indicative plan to relocate the "proposed" 225mm diameter "spur" sewer line from the current Water Corporation proposal which would traverse the Town's Lot 36 and Pt Lot 34 (approximately 1.5 metres from the western boundary adjacent to Kailis' Lot 19), to a new proposed alignment within a proposed gazetted road, which would run in an east-west direction, as shown in Confidential Plan No. 2357-CP-1;*
- (iv) *subject to Clauses (ii) and (iii) above being supported, APPROVES of the scope of works to re-align the existing 1,050 diameter main drain, contained within The Avenue Carpark reserve, to be included in the Water Corporation's "tender preliminaries" for the sewer construction project (as this will have cost savings to the Town) subject to;*
 - (a) *the Town being responsible for payment of these works;*
 - (b) *the Chief Executive Officer being authorised to negotiate suitable terms and conditions with the Water Corporation; and*
 - (c) *a further report being received by the Council at the conclusion of the negotiations, for approval;*
- (v) *APPROVES IN PRINCIPLE the offer from the Water Corporation cede to the Town, at \$1.00 (plus GST), the redundant portion of the reserve land (comprising up to 784m²) located within The Avenue Carpark land on Certificate of Titles 1659/262 and 1054/163, once the main sewer has been decommissioned and the main drain has been realigned and AUTHORIZES the Chief Executive Officer to negotiate with the Water Corporation, subject to a report being submitted to the Council for approval, at the conclusion of the negotiations;*
- (vi) *NOTES that;*
 - (a) *quotations are currently being obtained from engineering consultants to design, prepare a cost estimate and documentation and submit for approval to the Water Corporation for the scope of works for the proposed realignment of the portion of existing main drain through The Avenue Carpark;*
 - (b) *the new main drain alignment, if approved, and all new sewer lines within The Avenue Carpark land will need to be located in a reserve;*
 - (c) *a further report will be submitted to the Council to consider the indicative concept plans and subdivision of the land comprising The Avenue and Framcourt Carparks, once the Architects have submitted their final report and the information has been assessed; and*
 - (d) *the Project Architects will be presenting information on a confidential basis to a Forum to be held on 19 July 2005;*
- (vii) *REQUESTS the Chief Executive Officer to write to the Water Corporation seeking their comments and/or commitment to their involvement in the Leederville Masterplan and also details of their future proposals (if any) for their landholdings;*

- (viii) *ADVISES GNTM Pty Ltd (Kailis) that, should they require access from their property into the Council land and a thoroughfare alongside their property for their proposed development, the proposed thoroughfare will only be supported on the basis that it be located equally on both properties; and*
- (ix) *pursuant to Section 5.95 of the Local Government Act 1995 and Clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential information concerning the concept drawings and "commercially sensitive" information."*

At the Ordinary Meeting of Council held on 9 August 2005 at Item 10.1.16 the Council resolved inter-alia as follows:

- "(iii) REFERS the Leederville Masterplan (Final Draft) to the Leederville Masterplan Working Group for consideration of the findings and recommendations made in the document;*
- (iv) REFERS the confidential Concept Plans prepared by Architects Jones, Coulter Young and presented at a Forum on 19 July 2005 to the Leederville Masterplan Working Group and AUTHORISES the Working Group to consider and progress, subject to the plans remaining confidential;*
- (v) RESTRICTS distribution of the Leederville Masterplan to Elected Members and Working Group and the Concept Plans to the Chief Executive Officer only, until approved by the Council for release to the public; and"*

At the Ordinary Meeting of Council held on 28 June 2005, the Council considered a Confidential item regarding the Proposed Leederville Business District Redevelopment, where the following decision was adopted.

"That the Council;

- (i) APPROVES the quotation received from Jones Coulter Young, Architects and Urban Planners, for preliminary architectural services for the Leederville Business District at a cost of \$11,150 (plus GST);*
- (ii) AUTHORISES the Chief Executive Officer to engage other essential consultants (should the need arise) concerning the planning of The Avenue and Framecourt Carparks, in particular, the re-routing of the main stormwater drain and proposed new Water Corporation sewer;*
- (iii) NOTES that this work will contain commercial sensitive information and is therefore to remain confidential until approval has been granted to make it public knowledge; and*
- (iv) NOTES that a further report concerning this matter will be submitted to the Ordinary Meeting of Council to be held on 12 July 2005."*

DETAILS:

Meeting with Water Corporation

The Town's officers have further met with the Water Corporation to progress the documentation for the proposed sewer and drainage infrastructure works.

The Town's officers have been liaising with officers from the Water Corporation regarding various aspects including the relocation of the main drain and the transfer of the Water Corporation land to the Town.

- Water Corporation land comprising the Main Drain and Main Sewer

With regards the proposed land transfer, the Water Corporation were requested to provide advice regarding whether there were any impediments to the sale (transfer) of part of their land to the Town resulting from it having been acquired by resumption. Also as part of the land still had the designation "Drain Reserve", on the title Vol 1659 Fol 262. Water Corporation were requested whether there was a requirement for this designation to be lifted prior to the sale (transfer)

The Water Corporation duly advised that most of the land relating to CT 1054/163 was resumed by them in 1936, a process which involved compensation of the owners at that time. As the resumption occurred greater than 10 years ago and the land was used for its resumed purpose and they are not required to offer the original owners an option to purchase under section 190 of the Land Administration Act. Therefore, the freehold title can be transferred by the Water Corporation to the Town without the need for outside consultation.

The Water Corporation also advised that the designation of "Drainage Reserve" on CT 1659/262 has been noted, although the title does not specifically restrict the use of the land to this purpose. The mention of drainage on the CT relates to the original subdivision plan (P560) which denoted the land as a "Drainage Reserve". The land was subsequently converted to a freehold title in 1984, although the Certificate of Title does not specifically restrict the use of this land to drainage purposes. Therefore the Water Corporation considers there is no impediment to the future use of this land for something other than drainage, and amendment of the title would be superfluous.

- Proposed relocation of Main Drain and Sewer Works

With regards the relocation of the main drain and proposed sewer works it has been decided that easements will now be created as an interim measure as to finalise a subdivision for the proposed two new lots and new dedicated roads may be premature at this stage.

There is a requirement to carry out a survey of the site to determine the cadastral boundary locations as a prerequisite to finalising the easement diagrams. This is currently being arranged and will soon be progressed.

The Water Corporation has prepared preliminary design plans for the relocation of the main drain on the Town's behalf and these have been incorporated with the proposed sewer design so that the entire project can be carried out as one job.

The Water Corporation has requested that the Town formally advise them that it agrees to fund the relocation of the main drain in exchange for the land owned by the Water Corporation which currently traverses The Avenue car park being transferred to them. (The Council previously approved of the matter "*in principle*")

The easements need to be finalised by the end of October 2005.

Meeting with Architect

On 17 August 2005 the Chief Executive Officer and Executive Managers met with Architects from Jones Coulter Young to discuss the following:

(a) Progression of the Concept Plans

The Architects have advised that the Concept Plans need to be refined. This work will need to be carried out by an urban design/architectural firm.

(b) Preparation of Due Diligence Report and Business Case

The preparation of a "*Due Diligence*" report and Business Case on the Concept Plans need to be prepared. The Due Diligence Report and Business Case will include the "*Triple Bottom Line*" outcomes of Economic, Social and Environmental as well as Sustainability. It will also provide information as to the viability of the proposed project. The Business Case Report which can be prepared in-house using external consultants will also explore and recommend the most appropriate model for delivery of the project. These models include:

- Council as the proponent (developer);
- Outright sale of the land;
- Public/private partnership;
- Council and joint venture partnership;
- Redevelopment Authority.

The reports will necessitate the engaging of external consultants particularly in the areas of commercial/property, a quantity surveyor, an urban design and miscellaneous engineering such as traffic management.

(c) Indicative Timeline

The Architects have prepared an indicative timeline as follows:

STAGES	INDICATIVE DATES
<p>Stage 1 - Concept Design</p> <ul style="list-style-type: none"> • Site investigation • Development of Precinct Concept Plans • Preparation of Sewer and Drainage plans • Establish Council Working Group (Council and Officers) • Presentation of Project Concept Plans • Consideration of Oxford Centre Study, Leederville Masterplan Report, Vincent Visioning, Economic Development Strategy and Strategic Plan 	June - October 2005
<p>Stage 2 - Due Diligence of Concept Designs</p> <ul style="list-style-type: none"> • Confirmation of Site Cadastral Information and land titles • Confirmation of Design Options <ul style="list-style-type: none"> • Preparation of Alternative Lot Design • Preparation of Yield Tables • Preliminary Reports <ul style="list-style-type: none"> • Traffic • Commercial Report • Property Advice • Quantity Surveyor/Civil Engineer • Preparation of Procurement / Delivery Model Options 	October - December 2005

STAGES	INDICATIVE DATES
<ul style="list-style-type: none"> • Presentation to Council <ul style="list-style-type: none"> • Preferred Options • Feasibility • Project Plan/Program • Procurement/Delivery Model Options • Consultants' Brief • Public Consultation • Council Sign-off 	
<p>Stage 3 - Appointment of Principal Consultants</p> <ul style="list-style-type: none"> • Consultant Tender • Appoint Principal Consultant(s) • Secondary Consultants Tender <ul style="list-style-type: none"> • Traffic • Landscape Architect • Community Consultant • Civil Engineer • Property Consultant • Quantity Surveyor • Surveyor • Award Tender(s) 	January - March 2006
<p>Stage 4 - Preparation of Design Plans and Subdivision</p> <ul style="list-style-type: none"> • Complete Public Realm Design <ul style="list-style-type: none"> • Preparation of Design Guidelines • Preparation of detailed Civil Design • Preparation of Landscape Plan-Themes • Presentation to Council • Subdivision Documentation • Subdivision Tender • Tender Evaluation • Presentation to Council • Award of Subdivision Contract • Construction of Public Realm 	March 2006 - April 2007
<p>Stage 5 - Disposal of Land (dependant upon Delivery Model)</p> <ul style="list-style-type: none"> • Preparation of Tender Documentation • Registration of Interest(s) – if applicable • Expression of Interest <ul style="list-style-type: none"> • Tender Financials • Evaluation of Designs • Evaluations of EOI's <ul style="list-style-type: none"> • Financial Evaluation • Evaluation of Designs • Tender Presentation to Council • Council Approval 	May 2007 - October 2007
<p>Stage 6 - Development/Implementation</p> <ul style="list-style-type: none"> • Implementation/Construction 	October 2007 onwards

The Council is still at Stage 1.

(d) Need for Expert Information/Consultant

The Architects have advised that it is essential that expert/specialised information from suitably qualified persons/organisations with demonstrated track record in major land and infrastructure projects be obtained. This information would include:

- Urban design
- Architectural services
- Project management
- Property/commercial consultant
- Quantity surveyor
- Traffic design
- Civil engineering
- Landscape design

It should be noted that organisations which specialise in major land development can undertake more than one of the above services.

(e) Implementation of the Masterplan

To date the Council has carried out the Oxford Centre Study, the Leederville Masterplan Report, Economic Development Strategy, Vincent Visioning 2024, preparation of Concept Plans for its land holdings and also considered the Water Corporation proposed works for sewer and drainage infrastructure.

To progress to Stage 2 of the project will necessitate considerable resources, both within the Town's administration and also using external consultants. In this regard it is considered necessary to call a tender for consultancy services.

Leederville Masterplan Working Group

A Leederville Masterplan Working Group meeting was held on Tuesday 6 September 2005 and considered the following matters:

- Receiving of Leederville Masterplan - Final Draft - Considine and Griffiths Report
- Consideration of Economic Development Strategy
- The Way Forward - Key Tasks, Objectives and Milestones
- Indicative Timeline
- The Avenue Carpark Land - Proposed Subdivision and Creation of Sewer Easements
- Delivery Model Options
- Project Budget and Resources
- Meeting Dates - 2005/06

This meeting was also attended by Mr Peter Hobbs of Jones Coulter Young Architects. At the time of writing this report, the Working Group Minutes were still being prepared. However, the Working Group resolved to recommend to the Council that the Chief Executive Officer be authorised to call a tender for consultant services to assist in the implementation of the Leederville Masterplan.

Meeting with East Perth Redevelopment Authority

On 6 September 2005 the Town's CEO and Executive Managers met with a senior officer of the East Perth Redevelopment Authority (EPRA) to seek advice concerning the Masterplan implementation.

The information provided has proved most valuable and EPRA has verbally offered to provide further advice to the Town's officers. The potential opportunity to utilise EPRA's expertise in this area was also discussed.

Adjoining Land (Lot 100) owned by GNTM Pty Ltd (Kailis)

As required by the Council decision of 12 July 2005, a letter was sent GNTM Pty Ltd advising that, should they require access from their property into the Council land and a thoroughfare alongside their property for their proposed development, the proposed thoroughfare will only be supported on the basis that it be located equally on both properties.

A meeting was held between GNTM Pty Ltd's Architect and the Town's Executive Managers Technical Services and Environmental and Development Services to discuss the matter and on 29 August 2005, the Architect wrote to the Town and advised:

"GNTM Pty Ltd are prepared to contribute a proportion of their site to facilitate construction of a service road/pedestrian access way along the western boundary of Lot 100 subject to the following conditions ..."

These conditions are currently being examined by the Town's officers and a report will be submitted to the Council at the appropriate time.

TENDER SELECTION CRITERIA:

The following weighted criteria will be used for the selection of the consultants for this project:

Criteria	%	Weighting
<p>1.1 Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "best value" for money • Application of a reasonable fee structure in proportion to the service provided • Key personnel hourly rates to be provided 	25	25%

Criteria	%	Weighting
<p>1.2 Relevant experience, expertise and project team Demonstrate your:</p> <ul style="list-style-type: none"> • Experience, expertise and project team • capacity to address the range of services required • role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • understanding of the required service associated with delivering the services to the Town • experience and success in the sphere of recent major projects, particularly in WA 	35	35%
<p>1.3 History and Viability of Organisation</p> <ul style="list-style-type: none"> • Detail your history and viability • Include any comments received from referees • Demonstrate your capacity to deliver • Demonstrate your capacity and depth to effectively address the range of requirements of the Town 	20	20%
<p>1.4 Methodology</p> <ul style="list-style-type: none"> • Demonstrate proposed methodology for this project to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA 	10	10%
<p>1.5 Key Issues and Risk</p> <ul style="list-style-type: none"> • Demonstrate your understanding of the required service by identifying the key issues and risks associated with delivering the project. • Explain how you intend to address these issues and risks 	10	10%
TOTAL	100	100%

CONSULTATION/ADVERTISING:

Not applicable at this stage.

LEGAL/POLICY:

The Local Government Act 1995 requires tenders to be called for works and services above \$50,000.

As this project will be the largest ever carried out by the Town, the cost for fees and services will invariably exceed \$50,000. It is therefore considered beneficial that a tender be called to engage consultants and prepare a panel appointed by the Town for the duration of the project.

It is considered that this approach will provide a long-term partnership between the Town and the consultants and may also provide better "value for money" in the longer term.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2005-2010, Key Result Areas 3.2, 3.3 and 3.3(a), (c) and (e) as follows;

- 3.2 *"Develop business strategies that provide a positive triple bottom line return for the Town",*
- 3.3 *"Promote the Town of Vincent as a place for investment appropriate to the vision for the Town and Develop partnerships and alliances with key stakeholders",*
 - 3.3(a) *"Adopt policies and practices to promote appropriate investment";*
 - 3.3(c) *"Promote partnerships at the intrastate, interstate and international level to attract investment to the Town and enhance its place as a regional centre";*
 - 3.3(e) *"Encourage local businesses to contribute to the local community."*

FINANCIAL/BUDGET IMPLICATIONS:

The Council has approved a budget of \$135,000 for the Leederville Masterplan consultants/professional fees.

Expenditure to date is as follows:

- Jones Coulter Young - Concept Plans \$11,039
- Neil Stevens Pty Ltd - Project Management advice \$1,000

The Town's administration costs have not been allocated to this cost centre.

An amount of \$120,000 has been included in the Budget for a Special Projects Manager. (Part of these costs could be attributed to the Leederville Masterplan project.)

At the Ordinary Meeting of Council held on 12 July 2005 the Council resolved inter-alia as follows:

"(iii) APPROVES IN PRINCIPLE;

- (a) the relocation of the existing 1,050 diameter main drain (estimated to cost between \$400,000-\$450,000) contained within The Avenue Carpark reserve to a new alignment along The Avenue Carpark, and in a proposed new gazetted road which would run at the rear of the Oxford Street properties, as shown in Confidential Plan No. 2357-CP-1;"*

The funds for the drainage works will need to be provided in the 2006/2007 budget.

COMMENTS:

The Leederville Masterplan project is progressing most satisfactorily and is now at a stage where expert/specialised information (which is not available in the Town's administration) is required.

Accordingly, the Council's approval in this matter is recommended.

10.4.10 2005 Australian Institute of Environmental Health 32nd National Conference 7-9 November 2005

Ward:	-	Date:	6 September 2005
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	R Boardman		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Executive Manager Environmental and Development Services and up to one Elected Member,, be authorised to attend the 2005 Australian Institute of Environmental Health 32nd National Conference to be held in Adelaide from 7 to 9 November 2005 at an estimated cost of \$2,150 each.

COUNCIL DECISION ITEM 10.4.10

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Mayor Catania requested Elected Members to express an interest in nominating to attend this conference.

No nominations were received.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted subject to the deletion of the words “and up to one Elected Member” and inserting the words “and the Manager of Health Services” in their place.

Debate ensued.

**AMENDMENT LOST ON THE CASTING VOTE
OF THE PRESIDING MEMBER (4-5)**

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

(Cr Torre was an apology.)

MOTION PUT AND CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF THE REPORT:

The purpose of this report is to obtain the Council’s approval for the Executive Manager Environmental and Development Services and up to one Elected Member to attend the 2005 Australian Institute of Environmental Health 32nd National Conference.

BACKGROUND:

The 2005 Australian Institute of Environmental Health 32nd National Conference is to be held in Adelaide from Monday 7 November until Wednesday 9 November 2005.

The Conference theme “*Imagine Life Without Us?*” will examine the impact Environmental Health Practitioners have had through history on the health and wellbeing of communities, and the new and emerging opportunities and challenges for the future.

Topics in the program include Water reuse, immunisation, Climate change, disinfectants, mobile phone use study, Food issues, addresses from the major sponsors, including: Environment Protection Agency, Water Catchment Boards, enHealth, and Department of Health.

Keynote speakers include Hugh Grantham, who will speak about his experiences as Team Leader of Team Echo during the recent relief efforts to Banda Aceh following the tsunami in December 2004, and Professor Fram Baum, Professor and Department of Public Health/Director SA Community Health Research Unit Commissioner, WHO Commission on Social Determinants of Health Flinders University.

The Environmental Health profession has changed significantly over time and will continue to take on new responsibilities in the future. Environmental Health practitioners are required to constantly renew their knowledge and skills in order to meet the day-to-day requirements of their jobs.

A copy of the Conference Program is “*Laid on the Table.*”

FINANCIAL IMPLICATIONS:

	Member	Non-Member
Conference Registration	\$975.00	\$1200.00
Accommodation (3 nights) (<i>\$150 per night</i>)	\$450.00	\$450.00
Airfare (economy class) *	\$475.00	\$475.00
Expenses allowance	\$250.00	\$250.00
Total	\$2150.00	\$2375.00

* *Economy Fare - approximate and subject to flight availability*

LEGAL POLICY:

Council’s Policy 4.1.15 – “*Conferences & Training – Attendance, Representation, Travel & Accommodation Expenses and Related Matters*” – Clause 1.1 (i) and (ii) states;

“(i) *When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;*

The Contract of Employment for Executive Managers entitles the Employee to attend one interstate professional conference per annum.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Four of Strategic Plan 2005-2010 – 1.4 (c) “*Actively participate in community, Local, State and Federal Government forums and professional seminars.*”

COMMENT:

It is requested that approval be granted for the Executive Manager Environmental and Development Services and up to one Elected Member, to attend the 2005 Australian Institute of Environmental Health 32nd National Conference.

At 10.00pm it was,

Moved Cr Chester, Seconded Cr Messina

That the meeting be continued for a further 15 minutes to consider the remaining items.

CARRIED (8-0)

(Cr Torre was an apology.)

Cr Doran-Wu departed the chamber at 10.00pm.

The Presiding Member advised that the Council would need to move a motion to go behind closed doors to consider Confidential Items 10.4.12, 10.4.13 and 10.4.14.

10.4.12 CONFIDENTIAL REPORT- Change of Use from Single House to Single House and Recreational Facility (Gymnasium) and Associated Alterations (Part Application for Retrospective Approval) - State Administrative Tribunal Directions Hearing

Ward:	North	Date:	6 September 2005
Precinct:	Mount Hawthorn; P 01	File Ref:	PRO1306
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

10.4.13 CONFIDENTIAL REPORT - Proposed Change of Use from Shop to Eating House and Associated Alterations - Reconsideration of Condition - State Administrative Tribunal Directions Hearing

Ward:	South	Date:	2 September 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO1308; 5.2005.2721.2
Attachments:	-		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

10.4.14 CONFIDENTIAL- Proposed Additions, Alterations and Additional Two-Storey Grouped Dwelling to Existing Single House- State Administrative Tribunal Directions Hearing

Ward:	North	Date:	6 September 2005
Precinct:	North Perth; P8	File Ref:	PRO0718;
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That 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, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider confidential reports, circulated separately to Elected Members for Items:

- *10.4.12 - change of use from single house to single house and recreational facility (gymnasium) and associated alterations (part application for retrospective approval)- State Administrative Tribunal Directions Hearing.*
 - *10.4.13 - proposed Change of Use from Shop to Eating House and Associated Alterations - Reconsideration of Condition - State Administrative Tribunal Directions Hearing.*
 - *10.4.14 - proposed additions, alterations and additional two-storey grouped dwelling to existing single house - State Administrative Tribunal Directions Hearing.*
-

At 10.00pm **Moved Cr Farrell, Seconded Cr Messina**

That the Council move "Behind Closed Doors" to consider the following confidential Items:

- *10.4.12 - change of use from single house to single house and recreational facility (gymnasium) and associated alterations (part application for retrospective approval)- State Administrative Tribunal Directions Hearing.*
- *10.4.13 - proposed Change of Use from Shop to Eating House and Associated Alterations - Reconsideration of Condition - State Administrative Tribunal Directions Hearing.*
- *10.4.14 - proposed additions, alterations and additional two-storey grouped dwelling to existing single house - State Administrative Tribunal Directions Hearing.*

CARRIED (7-0)

(Cr Torre was an apology. Cr Doran-Wu was absent from the chamber and did not vote.)

Journalist Mark Fletcher departed the meeting at 10.00pm.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal. In accordance with the Town's Policy/Procedure for State Administrative Tribunal matters, it is to be kept confidential until determined by the Council to be released for public information.

LEGAL/POLICY:

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).”*

COMMENTS:

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

10.4.12 CONFIDENTIAL REPORT- No. 24 (Lot 150 D/P: 2925) 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)- State Administrative Tribunal (SAT) Directions Hearing

Ward:	North	Date:	6 September 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO1306; 5.2004.2830.1
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. 24 (Lot 150 D/P: 2925) 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)-State Administrative Tribunal (SAT) Directions Hearing (Matter DR 552 of 2005);*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 31 August 2005:*
 - (a) *prior to the issue of a Building Licence or within 28 days of issue of Planning Approval, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *one car bay in the front setback area being removed and 1.5 metres wide vegetation/"soft" landscaping areas being provided between the car parking area and the Eastern and Western side boundaries; and*
 - (2) *all car parking bays being dimensioned on the revised plans working drawings and complying with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking".*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes or the Town's Policies;
 - (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) *any new street/front wall, fence and gate between the Britannia Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (2) *decorative capping on top of posts and piers may extend the total 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, 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;*
- (d) *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;*
- (e) *the floor areas shall be limited to 87 square metres of gross floor area for the recreational facility (gymnasium) component. An increase in floor space or change of use for the subject land shall require prior Planning Approval to be applied to and obtained from the Town;*
- (f) *this approval for a recreational facility (gymnasium) is for a temporary period of (12) twelve months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. The (12) twelve months temporary period shall start from the date of issue of this Planning Approval and the land use subject to this Planning Approval shall cease operation immediately after this (12) twelve months temporary period, unless further Planning Approval has been obtained from the Town prior to, or on this date. Any future application shall comply with the Town's Non-Residential/Residential Development Interface Policy especially with regard to vehicle access and car parking;*
- (g) *the number of clients attending the recreational facility (gymnasium) shall be limited to a maximum of 14, with a maximum of one (1) instructor, at any one time, as stated in the applicant's submission; and*
- (h) *the hours of operation shall be limited to Monday, Wednesday, Thursday and Friday (8.30am to 7.15 pm), Tuesday (8.30 am to 8.15 pm), Saturday (12 noon to 5pm), inclusive;*
- (iii) *NOMINATES Councillor..... to represent the Town as a witness in the full SAT hearing to be held on 18 October 2005; and*
- (iv) *ADVISES those who made written submissions on the above proposal that the full SAT hearing is to be held on 18 October 2005.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu returned to the chamber at 10.02pm.

Moved Cr Ker, Seconded Cr Doran-Wu

That conditions are incorporated to address the issues involving the Health Act and Building Codes of Australia.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

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

"(ii) (i) *the applicant/owner may not use sound amplification at all and shall ensure compliance regarding normal activities with the Environmental Protection Act 1986 (as amended) and Environmental Protection (Noise) Regulations 1997 (as amended), at all times. Should the activities associated with the use lead to the creation of elevated or unreasonable heightened sound levels, an Acoustic Report prepared by a qualified sound engineer, shall be submitted to and approved by the Town, which identifies suitable sound attenuation measures that, when implemented, will prevent the emission of unreasonable noise from the premises. These measures are to be implemented before the activity that creates the elevated or unreasonable heightened sound levels may commence. The engagement of and the implementation of the recommendations of this acoustic consultant report are to be at the applicant's/owner(s)' expense;"*

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

Cr Ker was nominated to attend the hearing.

COUNCIL DECISION ITEM 10.4.12

That the Council;

- (i) *RECEIVES the report relating to No. 24 (Lot 150 D/P: 2925) 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)-State Administrative Tribunal (SAT) Directions Hearing (Matter DR 552 of 2005);*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 31 August 2005:*
 - (a) *prior to the issue of a Building Licence or within 28 days of issue of Planning Approval, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *one car bay in the front setback area being removed and 1.5 metres wide vegetation/"soft" landscaping areas being provided between the car parking area and the Eastern and Western side boundaries; and*

- (2) *all car parking bays being dimensioned on the revised plans working drawings and complying with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking".*

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

- (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) *any new street/front wall, fence and gate between the Britannia Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total 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, 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;*
- (d) *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;*
- (e) *the floor areas shall be limited to 87 square metres of gross floor area for the recreational facility (gymnasium) component. An increase in floor space or change of use for the subject land shall require prior Planning Approval to be applied to and obtained from the Town;*
- (f) *this approval for a recreational facility (gymnasium) is for a temporary period of (12) twelve months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. The (12) twelve months temporary period shall start from the date of issue of this Planning Approval and the land use subject to this Planning Approval shall cease operation immediately after this (12) twelve months temporary period, unless further Planning Approval has been obtained from the Town prior to, or on this date. Any future application shall comply with the Town's Non-Residential/Residential Development Interface Policy especially with regard to vehicle access and car parking;*

- (g) *the number of clients attending the recreational facility (gymnasium) shall be limited to a maximum of 14 , with a maximum of one (1) instructor, at any one time, as stated in the applicant's submission; and*
- (h) *the hours of operation shall be limited to Monday, Wednesday, Thursday and Friday (8.30am to 7.15 pm), Tuesday (8.30 am to 8.15 pm), Saturday (12 noon to 5pm), inclusive;*
- (i) *the applicant/owner may not use sound amplification at all and shall ensure compliance regarding normal activities with the Environmental Protection Act 1986 (as amended) and Environmental Protection (Noise) Regulations 1997 (as amended), at all times. Should the activities associated with the use lead to the creation of elevated or unreasonable sound levels, an Acoustic Report prepared by a qualified sound engineer, shall be submitted to and approved by the Town, which identifies suitable sound attenuation measures that, when implemented, will prevent the emission of unreasonable noise from the premises. These measures are to be implemented before the activity that creates the elevated or unreasonable sound levels may commence. The engagement of and the implementation of the recommendations of this acoustic consultant report are to be at the applicant's/owner(s)' expense;*
- (iii) *NOMINATES Councillor Ker to represent the Town as a witness in the full SAT hearing to be held on 18 October 2005; and*
- (iv) *ADVISES those who made written submissions on the above proposal that the full SAT hearing is to be held on 18 October 2005.*

(Note: Cr Ker advised on 14 September 2005 that he is unable to appear as a witness due to work commitments.)

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 State Administrative Tribunal.
- To consider an Elected Member (s) and/or 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:

- 12 July 2005 The Council at its Ordinary Meeting resolved to refuse the application submitted by D Reece on behalf of the owner B S Vocisano for Change of Use from Single House to Single House and Recreational Facility (Gymnasium) and Associated Alterations (Part Application for Retrospective Approval), at No. 24 Britannia Road Mount Hawthorn.
- 24 August 2005 The owners of No. 24 Britannia Road, Mount Hawthorn lodged an application for the review of the Council's refusal at its Ordinary Meeting on 12 July 2005, with SAT (attached).
- 31 August 2005 Direction Hearing held at SAT.

30 September 2005 Due date for Town's response statement, witness statements of each witness, whose evidence the party is to rely on at the full SAT hearing and documents under Section 24 State Administrative Tribunal Act 2004 (WA).

18 October 2005 Date set for full SAT hearing.

The following is a verbatim copy of the Minutes of the reasons for refusal of the Item placed before the Council at its Ordinary Meeting held on 12 July 2005:

"Reasons:

1. *Inappropriate use in a residential area.*
2. *Building not fit for purpose.*
3. *Creating precedent."*

DETAILS:

The applicant has lodged an application with SAT to review the refusal granted by the Council at its Meeting held on 12 July 2005.

Due to the tight time frames involved with the review process, the Town has authorised that Mr. Simon Bain of SJB Town Planning and Urban Design be engaged to represent the Town in the above review process. Mr. Simon Bain is considered to have extensive experience and knowledge in dealings with town planning reviews conducted by the SAT.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and the Town's Policy/Procedure For State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent) Mr. Simon Bain of SJB Town Planning and Urban Design is based on \$60 per hour, plus \$900 for the witness statement.

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.

In accordance with the Policy/Procedure for State Administrative Tribunal, 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 in the review process as a witness.
- No Submissions were received objecting to the proposal, however a petition with 55 signatories and 5 letters in support of the proposal were received when the above proposal was initially advertised for public comment. On the above basis, it is recommended that the Town should only advise all those who made a submission of the above review application lodged with the SAT, and not invite those who made a submission to appear as a witness on behalf of the Town.

10.4.13 CONFIDENTIAL REPORT - No(s). 228-232 (Lot 88 D/P: 38153) Carr Place, Leederville - Proposed Change of Use from Shop to Eating House and Associated Alterations - Reconsideration of Condition

Ward:	South	Date:	2 September 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO1308; 5.2005.2721.2
Attachments:	-		
Reporting Officer(s):	B McKean		
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 SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 543 of 2005, the proposed Change of Use from Shop to Eating House and Associated Alterations - Reconsideration of Condition at No(s). 228 - 232 (Lot 88 D/P: 38153) Carr Place, Leederville, and as shown on amended plans stamp-dated 1 September 2005 and 28 June 2005, subject to:*

- (a) *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;*
- (b) *the floor areas shall be limited to;*
 - (1) *190 square metres of public floor area for the eating house component; and*
 - (2) *1000 square metres of gross floor area for the office component;*

Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;

- (c) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$6,150 for the equivalent value of 2.46 car parking spaces, based on the cost of \$2,500 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;*
- (d) *prior to the first occupation of the development, seven (7) class 1 or 2 and five (5) 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;*
- (e) *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;*

- (f) *doors and windows and adjacent floor areas fronting Carr Street shall maintain an active and interactive relationship with this street; and*
- (g) *the subject premises, including the 'Bar Area', shall be used solely as an eating house, meaning it is used primarily for the purpose of serving meals to the public for gain or reward but does not include a fast food outlet. The 'Bar Area' shall not be used exclusively for the sale and/or consumption of beverages; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

COUNCIL DECISION ITEM 10.4.13

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION CARRIED (7-1)

<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 was an apology.)

ADDITIONAL INFORMATION:

The aerial photograph of the property, and plans stamp dated 28 June 2005 and 1 September 2005, which are referred to in the Agenda report, are attached for the Council's consideration.

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

Landowner:	M Grincerì
Applicant:	M Kimber
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Vacant
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	1069 square metres
Access to Right of Way	North side, 4 metres wide, sealed, dedicated road

BACKGROUND:

26 August 2003

Council at its Ordinary Meeting conditionally approved three storey mixed use development comprising one (1) eating house, two (2) shops, two floors of offices and associated car parking.

- 22 March 2005 Council at its Ordinary Meeting granted conditional approval for the deletion of condition (v) of the previous conditional approval relating to percent for art scheme, for approved mixed use development.
- 26 April 2005 Council at its Ordinary Meeting granted conditional approval for a change of use from shop to eating house and associated alterations.
- 26 July 2005 Council at its Ordinary Meeting considered an application for a reconsideration of condition (iii) of the previous conditional approval, which states as follows:
- "(iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$14 800 for the equivalent value of 5.92 car parking spaces, based on the cost of \$2500 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 or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements."*
- Council resolved to grant conditional approval without amending the subject condition.
- 23 August 2005 Application lodged with State Administrative Tribunal to review Council's decision.
- 31 August 2005 State Administrative Tribunal Directions Hearing held.

DETAILS:

The application involves the reconsideration of condition (iii) of the conditional approval granted by the Council at its Ordinary Meeting held on 26 April 2005 for change of use from shop to eating house and associated alterations at the subject property.

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

"(iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$14 800 for the equivalent value of 5.92 car parking spaces, based on the cost of \$2500 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 or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements."

The Council at its Ordinary Meeting held on 26 July 2005 reconsidered the subject condition and resolved to grant conditional approval without amending the subject condition.

Amended plans stamp dated 1 September 2005, demonstrate that the public area of the proposed eating house has been reduced from 220.5 square metres to 190 square metres, therefore, reducing the amount of cash-in-lieu required. This has been addressed in the Officer Recommendation.

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.

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			
No consultation was required as this matter relates to a review by SAT of the Planning Approval for proposed change of use from shop to eating house and associated alterations and involved no greater variations to the development application which was previously advertised, and is being referred to Council for determination.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number)			
-Proposed Eating House: 1 car bay per 4.5 square metres of public area (proposed 190 square metres).		42 car bays	
-Office: 1 car bay per 50 square metres of gross floor area (proposed 1000 square metres).		20 car bays	
Total		62 car bays	
Apply the adjustment factors		(0.494)	
<ul style="list-style-type: none"> ▪ 0.80 (within 400 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.90 (within a District Centre zone) ▪ 0.95 (parking facilities for bicycle users) 		30.63 car bays	
Car Parking			
Minus car parking on-site			23 car bays
Minus the most recently approved on-site parking shortfall			5.17 car bays
Resultant shortfall			2.46 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 considered supportable, subject to standard and appropriate conditions.

10.4.14 CONFIDENTIAL REPORT- No. 36 (Lot 500) Paddington Street, North Perth - Proposed Additions, Alterations and Additional Two-Storey Grouped Dwelling to Existing Single House- State Administrative Tribunal (SAT) Directions Hearing

Ward:	North	Date:	6 September 2005
Precinct:	North Perth; P8	File Ref:	PRO0718; 5.2004.2584.1
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. 36 (Lot 500) Paddington Street, North Perth - Proposed Additions, Alterations and Additional Two-Storey Grouped Dwelling to Existing Single House- State Administrative Tribunal (SAT) Directions Hearing (Matter No.536 of 2005);*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 31 August 2005:*
 - (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) *subject to first obtaining the consent of the owners of Nos. 34 and 38 Paddington Street and No.19 Clieveden Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 34 and 38 Paddington Street and No.19 Clieveden Street in a good and clean condition;*
 - (c) *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 Paddington 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; 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;"

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

- (1) *a store with minimum internal area of 4 square metres with a minimum dimension of 1.5 metres being provided for both the existing and proposed dwelling;*
- (2) *the BBQ/deck area wall on the western elevation being a minimum height of 1.6 metres above the respective finished floor level so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (3) *the 6 metres section of landscaping along the western boundary commencing at 4.5 metres south of the reversing area being removed and to form part of the driveway;*
- (4) *the obscure glazing screen wing wall extension to bedroom 3 on the eastern elevation of the upper floor, being non-openable and constructed of a permanent obscure material which does not include a self-adhesive material or other material that is easily removed; and*
- (5) *the window to bedroom 2 on the eastern elevation, on the upper floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002; OR the obscure glazing screen wing wall extension to bedroom 3 on the eastern elevation of the upper floor (as outlined in condition (iv) (d) above) being extended a total distance of 3 metres along the eastern elevation on the upper floor from bedroom 3.*

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

- (6) *the carport for the existing dwelling shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the front main building wall; and*
- (7) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Paddington Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (iii) *NOMINATES COUNCILLOR..... to represent the Town as a witness in the full SAT Hearing to be held on 21 October 2005; and*
- (iv) *INVITES the 3 residents who objected to select amongst themselves one resident as a witness in the full SAT Hearing to be held on 21 October 2005.*

COUNCIL DECISION ITEM 10.4.14

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Note: No Elected Members nominated as per clause (iii).

CARRIED (8-0)

(Cr Torre was an apology.)

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 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/or 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:

12 July 2005	The Council at its Ordinary Meeting resolved to refuse the proposed additions, alterations and additional two-storey grouped dwelling to existing single house at No.36 Paddington Street, North Perth.
9 August 2005	Owners of No.36 Paddington Street, North Perth lodged an application for the review of the Council's refusal at its Ordinary Meeting held on 12 July 2005, with SAT (attached).
30 August 2005	Direction hearing held at SAT.
9 September 2005	Due date for Town's response documents under Section 24 of the State Administrative Tribunal Act 2004 (WA).
30 September 2005	Respondent (Town) to submit witness statements of each witness, whose evidence the party is to rely at the full SAT hearing.
21 October 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 motion of the Item placed before the Council at its Ordinary Meeting held on 12 July 2005:

"Reasons:

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

2. *The non-compliance with the Setbacks, Outdoor Living Area, Privacy, Buildings on Boundary and Essential Facilities requirements of the Residential Design Codes, and the Town's Policy relating to the Knutsford Locality , respectively.*
3. *Consideration of the objections received.*
4. *The proposed subdivision does not comply with the requirements of either grouped dwelling or battleaxe subdivision.*

That;

- (i) *the Council ADVISES the Western Australian Planning Commission (WAPC) that the proposal does not meet the requirements for grouped dwellings as the proposed common property is not considered "necessary or functional", therefore resulting in the proposed survey strata subdivision being a battleaxe subdivision, that does not comply the minimum site area requirements for a battleaxe subdivision; and*
- (ii) *the Council ADVISES the applicant that it is prepared to consider an application for a second dwelling on the site only when it can be demonstrated to meet the minimum requirements for a grouped dwelling."*

DETAILS:

The applicant has lodged an application with SAT to review the refusal granted by the Council at its Ordinary Meeting held on 12 July 2005.

The respondent (Town) statement and associated documents have been forwarded to SAT on 9 September 2005.

Due to the tight time frames involved with the review process, the Town has authorised that Mr. John Meggitt be engaged to represent the Town in the above review process. Mr. John Meggitt is considered to have extensive experience and knowledge in dealings with town planning reviews conducted by the SAT.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and the Town's Policy/Procedure For State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent) is 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.

In accordance with the Policy/Procedure for State Administrative Tribunal, 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 in the review process as a witness.
- The Council invites the 3 residents who objected to the above proposal to select amongst themselves one resident as a witness to represent the Town in the above review process.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Geographic Names Committee; Local Health Authorities Analytical Committee; Metropolitan Emergency Management Executive Group

Ward:	-	Date:	5 September 2005
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

RECOMMENDATION:

That;

- (i) _____ *and* _____ *be nominated as WALGA Members - Geographic Names Committee (Member (2));*
- (ii) _____ *and* _____ *be nominated as WALGA Members - Local Health Authorities Analytical Committee (Metropolitan Members (2), Panel of 3 Names), (Approval by Minister) and*
- (iii) _____ *be nominated as WALGA Member - Metropolitan Emergency Management Executive Group (Metropolitan Serving Officer (1)).*

Moved Cr Farrell, Seconded Cr Chester

That the following nominations be made:

- (i) *Cr Ker be nominated for the Geographic Names Committee; and*
- (ii) *Rob Boardman – Executive Manager Environmental and Development Services be nominated for the Local Health Analytical Committee.*

CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 12.1

That;

- (i) *Cr Ker be nominated as WALGA Members - Geographic Names Committee (Member (2));*

- (ii) *Mr Rob Boardman – Executive Manager Environmental and Development Services be nominated as WALGA Members - Local Health Authorities Analytical Committee (Metropolitan Members (2), Panel of 3 Names), (Approval by Minister) and*
- (iii) *No nominations be submitted as WALGA Member - Metropolitan Emergency Management Executive Group (Metropolitan Serving Officer (1)).*
-

BACKGROUND:

Please see Appendix 12.1 for details.

N.B.: NOMINATIONS CLOSE COB THURSDAY 15 SEPTEMBER 2005.

At 10.20pm **Moved Cr Farrell, Seconded Cr Ker**

That an open meeting be resumed.

CARRIED (8-0)

(Cr Torre was an apology.)

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.20pm 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
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

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 13 September 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005