



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

14 AUGUST 2007

This document is available in the following alternative formats upon request for people with specific needs; large print, Braille, audio cassette and computer disk

INDEX
(14 AUGUST 2007)

ITEM	REPORT DESCRIPTION	PAGE
10.1 DEVELOPMENT SERVICES		
10.1.1	No. 147 (Lots 115 and 138 D/P: Perth) Lincoln Street, with Frontages to Bulwer Avenue, Bulwer Street and Grant Street, Perth - Reconsideration of Proposed Partial Demolition of and Alterations and Additions to Existing Educational Establishment and Car Parking from Grant Street (Hyde Park Precinct) PRO2042 (5.2007.114.1)	91
10.1.2	No. 118 (Lot 2) Anzac Road, Mount Hawthorn - Proposed Roller Door Additions to Carport to Existing Single House (Application for Retrospective Approval) (Mount Hawthorn Precinct) PRO2974 (5.2007.241.1)	129
10.1.3	No. 284 (Lot Y32 D/P: 4099) Charles Street North Perth - Windows Additions to Existing Six (6) Two-Storey Grouped Dwellings (Application for Retrospective Approval) (Smith's Lake Precinct) PRO1845 (5.2007.243.1)	10
10.1.4	No. 122 (Lots 90 and 91 D/P: 1823) Angove Street, North Perth - Proposed Alterations and Additions to Existing Shop and Associated Signage (Application for Retrospective Approval) (Charles Centre Precinct) PRO1184 (5.2006.355.1)	160
10.1.5	No. 122 (Lots 90 and 91 D/P: 1823) Angove Street, North Perth - Proposed Alterations and Additions to Light Industry (Existing Motor Vehicle Repair Premises) (Charles Centre Precinct) PRO1184 (5.2006.67.1)	12
10.1.6	No. 159 (Lot 5, Strata Lot: 2) Palmerston Street, Dual Frontage to Myrtle Street, Perth - Demolition of Existing Carport and Shed and Construction of Garage, Carport and Store Additions to Existing Grouped Dwelling (Hyde Park Precinct) PRO1972 (5.2007.87.1)	112
10.1.7	No. 2 (Lot 3 D/P: 32573) Raglan Road, Mount Lawley - Proposed Change of Use from Single House to Office (Mount Lawley Centre Precinct) PRO1291 (5.2007.187.1)	120
10.1.8	No. 46 (Lot 115 D/P: 7489) Kadina Street, North Perth - Proposed Demolition of Existing Single House (Smith's Lake Precinct) PRO3911 (5.2007.171.1)	125
10.1.9	Nos. 53-61 (Lot 48 D/P: 2324) Grosvenor Road, Corner Hutt Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions to Three (3) Existing Single Storey Grouped Dwellings (Norfolk Precinct) PRO3940 (5.2007.154.1)	84
10.1.10	Nos. 150-154 (Lot Y350 D/P: 2001, Lot 801 D/P: 43512, Lot 348 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Retaining Wall Addition To Three (3) Existing Single Houses (Banks Precinct) PRO3938; PRO3939; PRO3073 (5.2007.128.1)	20

10.1.11	No. 223 (Lot: 273 D/P: 1791) Scarborough Beach Road, corner Egina Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations, Additions and Drive-Through Facility to Existing Shop (Mount Hawthorn Precinct) PRO3861 (5.2007.12.1)	134
10.1.12	City of Perth City Planning Scheme No. 2 – Proposed Amendment No.11 – Proposed Special Control Area Covering Nos. 126 -144 (Lot 123) Stirling Street, Perth PLA0183	23
10.1.13	No. 182 (Lot 511) Newcastle Street, Dual Frontage to Washing Lane, Northbridge - Proposed Mixed Use Development, Comprising Four (4) Commercial Units and Five (5) Multiple Dwellings - Land within the East Perth Redevelopment Authority (EPRA) Area (Adjacent to Beaufort Precinct) PRO2980	172
10.1.14	No. 742 (Lot 30) Newcastle Street, Leederville - Proposed Ongoing Extended Trading Permit for the Leederville Hotel (Oxford Centre Precinct) ENS0053, PRO0630	149
10.1.15	Review of Town of Vincent Town Planning Scheme No. 1 – Progress Report No. 5 (All Precincts) PLA0144	176

10.2 TECHNICAL SERVICES

10.2.1	Tender for the Supply and Delivery of Concrete - Tender No. 365/07 (TEN0373) All Precincts	27
10.2.2	Road Closure - Transformer Site Relocation, Newcastle Street	30
10.2.3	2007 Pride Parade - Temporary Closure of Brisbane Street between Beaufort and William Streets and William Street between Bulwer and Newcastle Streets, Perth (TES0027 & CMS0040) Forrest, Beaufort & Hyde Park Precincts	32
10.2.4	Partial Right of Way Closure, Camelia Street, North Perth Smith's Lake Precinct	35
10.2.5	Tender for the Supply, Installation & Commissioning of one (1) Automated Public Toilet at Axford Park Mount Hawthorn- Tender No. 370/07 (TEN0380) Mt Hawthorn Centre Precinct	187
10.2.6	Tender for Supply & Delivery of Sprinklers, Automatic Valves, Automatic Controllers & Ancillary Equipment - Tender No. 368/07 (TEN0379) All Precincts	37
10.2.7	Tender for Supply & Delivery of UPVC Pressure Pipes - Tender No. 367/07 (TEN0378) All Precincts	43

10.3 CORPORATE SERVICES

10.3.1	Financial Statements as at 30 June 2007 (FIN0026)	191
10.3.2	Authorisation of Expenditure for the period 1 June to 30 June 2007 (FIN0005)	47
10.3.3	Investment Report as at 31 July 2007 (FIN0008)	196
10.3.4	Annual Plan - Capital Works Programme 2007/2008 (FIN0025)	50
10.3.5	Robertson Park Tennis Centre - Lease - Hyde Park Precinct (RES0024)	52
10.3.6	Mount Hawthorn Community Fair Day - Contribution (FIN8155)	198
10.3.7	North Metropolitan Regional Recreation Advisory Committee - Future Directions (CMS0036)	202

10.4 CHIEF EXECUTIVE OFFICER

10.4.1	Use of the Council's Common Seal (ADM0042)	54
10.4.2	Members Equity Stadium Committee Meeting held on 17 July 2007 - Receiving of Unconfirmed Minutes (RES0082)	206
10.4.3	Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 17 (RES0061)	57
10.4.4	Delegations for the Period 1 April 2007 to 30 June 2007 (ADM0018)	208
10.4.5	Strategic Plan - Quarterly Progress Report - 1 April 2007 to 30 June 2007 (ADM0038)	62
10.4.6	Approval of Survey for Proposed Name Change for Glendalough (ADM0075)	64
10.4.7	Consideration of Submissions relating to Policy No. 2.1.4 - Verge Treatments, Plantings and Beautification and Street Tree Management Plan (ADM0023)	70
10.4.8	Review and Adoption of Delegated Authority Register for 2007/2008	211
10.4.9	Civica National Conference - 28-30 October 2007 - Adelaide, South Australia	76
10.4.10	Leederville Masterplan - Opportunities for Business Investment, Western Australian Local Government (WALGA) Future Accommodation Options and Water Corporation	79
10.4.11	Request from PG Partnership, trading as Perth Glory Football Club, for use of Loton Park for Temporary Parking on Event Days at Members Equity Stadium (RES0013)	141
10.4.12	Information Bulletin	83

- 11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- Nil 216
- 12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**
- Nil 216
- 13. URGENT BUSINESS**
- Nil 216
- 14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)**
- 14.1 CONFIDENTIAL REPORT - Study of Heritage Listing and Property Values in Western Australia - Report to Australian Property Institute (All Precincts) PLA0117 - *This report released for public information by the Chief Executive Officer on 30 January 2009* 217
- 14.2 CONFIDENTIAL REPORT – No. 6 (Lot 22 D/P: 167) London Street, Corner Haynes Street and Scarborough Beach Road, North Perth - Proposed Demolition of Existing Buildings and the Construction of a Three-Storey Development Comprising 12 Multiple Dwellings – State Administrative Tribunal (SAT) Review Matter No. DR 209 of 2007 (PRO3010 (5.2006.60.1) - *This report released for public information by the Chief Executive Officer on 30 January 2009* 220
- 14.3 CONFIDENTIAL REPORT - No. 35 (Lot 6 D/P: 2825) Harold Street, Mount Lawley- Proposed Boundary Wall Addition to Existing Single House (Application for Retrospective Approval and Reconsideration of Condition) State Administrative Tribunal - Review Matter No. DR 202 of 2007 (Forrest Precinct) PRO3677 (5.2007.89.1) - *This report released for public information by the Chief Executive Officer on 30 January 2009* 223
- 14.4 CONFIDENTIAL REPORT - Nos. 412-414 (Lot 2) Fitzgerald Street, Corner Forrest Street, North Perth - Non-Compliance with Town of Vincent Town Planning Scheme - Tethered Advertising Balloon Sign – SAT Review Matter DR123, DR 124 of 2006 (North Perth Centre Precinct) PRO3405 - *This report released for public information by the Chief Executive Officer on 30 January 2009* 228
- 15. CLOSURE** 233
-

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 14 August 2007, commencing at 6.00pm.

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:

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward (from 6.13pm)
Cr Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 7.27pm – due to work commitments)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services
Rick Lotchnicker	Director Technical Services
Chris Thomson	Journalist – The Perth Voice
Dene Lawrence	Employee of the Month (until 7.00pm)
Frank Lawrence	Employee of the Month (until 7.00pm)
Alby Curtis	Employee of the Month (until 7.00pm)

Approximately 24 Members of the Public

(c) Members on Leave of Absence:

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

1. Mr Hugh Gill of Oldfield Knott Architects, 567 Hay Street, Daglish - Item 10.1.1 – Requested clarification on recommendation and whether approval is being granted to remove a street tree which will allow the cross-over to be relocated to maximise the parking on Lincoln Street.
2. Ms Sally Calder of 2 Myrtle Street, Perth – Item 10.1.6 – Property adjoins 159 Palmerston Street where proposed development is to be built. Expressed concerns that the proposed building works present some issues to her property. The significant objection is that there is no set-back for Myrtle Street and the Town's Policy suggests that a minimum of 1.5 metres is required and further the proposed garage will be imposing with a roof height of about 4 metres straight onto the footpath. Secondly, the height of the garage which includes the pitch roof will be close to 4 metres towering above her front verandah and garden bed. Seriously impacts on the ambience of their property and will impose on front garden bed and

doorstep. Conducted a survey today and approximately 30 houses facing into Myrtle Street are all set back approximately 2 metres except 2 which are set back about 1 metre. Would like to see proposed development with a set-back and height restraint in consideration to their property and the street ambience.

3. Mr Andrew De Sacks of 2 Raglan Road, Mt Lawley– Item 10.1.7 – Enquired as to whether it is possible to have the tenants who are looking at leasing the property actually move into the property prior to having the building works done.
4. Mr Helen Skantzios of 44 Kadina Street, North Perth – Item 10.1.8 – Requested Council favourable consideration of the proposed demolition of Lot 115, 46 Kadina Street, North.

Cr Chester entered the Meeting at 6.13pm.

5. Mr Carlo Bonomi of Anzac Road, Mount Hawthorn – Item 10.1.2 – Requested Council’s retrospective approval of Roller Door at No. 118 Anzac Road, Mount Hawthorn. Believes there is no real impact on the streetscape, it actually improves property. Reiterated the importance for the security of his tools of trade.
6. Mr John Meggit of 24 Chatsworth Road, Highgate – Item 14.2 – Spoke in support of proposal advising it does not include cafes or any other commercial use, height of building now within 10m height limit, additional parking has been provided. In regard to proposed R59 high density, it is considered this site is suitable for a high density development in that there are very few sites where high densities are permitted and this site with over 2000 square metres leans itself in particular to accommodate multiple dwellings without adversely affecting neighbouring residential properties. Multiple dwellings on this site also provide another housing choice for residents in the area. Finally, significant attention has been paid to the architecture and detail of the building so that there is an interesting and attractive façade.
7. Ms Angela Carpecchi of 52 Raymond Street, Yokine – Item 10.1.8 – Stated she would like to express thoughts and objection to the Officers Recommendation. Has examined the interior and exterior of the home and concludes that retention of the dwelling is not feasible for a number of valid reasons i.e. has only two bedrooms, no formal living areas, bathroom and laundry dilapidated, no garage, no storeroom and the condition is poor with extreme maintenance required. The exterior brickwork and foundations are weak and it is positioned poorly on the block of land at a right angle to the street. It directly overviews the neighbours front yard and has no privacy. Requested Council favourable consideration of the proposed demolition of Lot 115, 46 Kadina Street, North.
8. Mr Jeremy Feldhusen of 20 Jersey Street, Jolimont – Item 10.1.6 – Representing owner and resident. The works cover demolition of an existing carport and shed and construction of a single car garage, car port and store – the design of which has been done to exactly mirror that of 157 Palmerston Street. On viewing tonight’s Agenda it has come to attention that the Officer Recommendation (iv)(b) stipulated that the structure be wholly independent of the existing garage of 157 Palmerston Street. As

the width of the Lot at this point precludes the inclusion of any new structure – it is simply too narrow being at about 2.95 metres. Client sought independent professional advice on how this matter is normally resolved and was advised that in the past that for a minor structure of this type, written consent by the affected neighbour has sufficed. This was provided with the Planning Application. Since learning that the Council's Building Surveyor would not approve such an agreement, client has offered to go to the expense and trouble of getting an easement drawn up covering the affected wall and has received verbal acceptance in principle from Council staff. Would like to express that works covered in Application are minor in nature and were submitted some five months ago. Would like to have this matter resolved.

9. Ms Stephanie Glynn of 137 Egina Street, Mount Hawthorn – Item 10.1.11 – Requested Council to endorse the recommendation and reject the Application for No. 223 Scarborough Beach Road, corner Egina Street, Mount Hawthorn – Proposed Partial Demolition of and Alterations, Additions and Drive Through Facility to Existing Shop. Believes there will be a negative impact due to increased traffic volumes on Egina Street and many surrounding streets. There will also be a significant increase risk of traffic accidents and road safety concerns due to increased complexity of intersection of Egina Street and Scarborough Beach Road. In addition, the proposed business use has an undue and significantly adverse impact on the local vicinity given that the site is in a residential zoning and believes it is an unsuitable commercial use in a residential area. If the Application is refused and then appealed or resubmitted would request a further community consultation period due to the extent of potential impact on residential area.
10. Mr Scott Gooch of 310 Pier Street, Perth – Spoke in regard to Item 10.4.11 advised he was representing Perth Glory. Advised that the Club has recently written to the Council with regard to the reinstatement of free parking on Loton Park. Advised that at this point in time the Club is not in a position to absorb such a cost and requests Council consider waiving the fees for this season, with a view to Perth Glory paying a fee in future seasons.
11. Mr Scott Paterson of Ken Paterson Architects, 4 Bowman Street, South Perth from spoke on Item 10.1.11. Advised that initial application was attempted to be lodged on 22 December. Were requested to provide additional information including photos of the existing premises. Application was then lodged on 17 January and have now been dealing with this matter for 7-8 months. Community consultation took place for three weeks with Council then advising a further two weeks consultation was to take place. On 27 July was advised that 18 objections had been received of which a reply was prepared for a number of the items. Has now been advised that application has not been supported and seeks additional time to present the case.

12. Mr Alistair Putt of 112 Egina Street, Mount Hawthorn spoke on Item 10.1.11. Spoke in support of Council's recommendation to reject the Application for No. 223 Scarborough Beach Road, corner Egina Street, Mount Hawthorn – Proposed Partial Demolition of and Alterations, Additions and Drive through facility to existing shop. Advised that all people he has spoken to in Mount Hawthorn about the proposal are against it. Many residents have concerns about the traffic and about the change to the amenity in the suburb in relation to this proposal.
13. Mr Stuart Lofthouse, business owner of 130 Oxford Street, Leederville spoke in relation to Item 10.1.14. Advised his main issues as a business owner in the area for the past 13 years and seeing the development of the hotel over this time are security, adverse behaviour and the general wear and tear of the area clean-up. Objected to the Hotel's Application.
14. Ms Julie Skantzios of Kadina Street, Mount Hawthorn spoke on Item 10.1.8 – Demolition Application of 46 Kadina Street, North Perth. Expressed concern that with Council not granting demolition of the existing dwelling leaves little room for development of such a large site. The position of the house restricts utilising the site to its full R30 Zoning which allows for three homes on this 1042 square metre site. No neighbour objections have been received to date at this home as no community significance to the people of Smith's Precinct. The neighbours are actually in favour of seeing the deteriorating dwelling go. An update to the street with new complimentary housing is what they would rather see. Requested Council look at this Application on merit that we are moving towards further inner city development and that property zoning allows this.

Cr Messina departed the Chamber at 6.40pm.

Julie Skantzios continued speaking.

15. Ms Jodie Ferdinando of 114 Egina Street, Mount Hawthorn – Item 10.1.11 – In regard to the community consultation two week extension period advised that quite a lot of residents only became aware of the application. Was involved in putting together a petition which had 68 signatures. Has quite a concern in regard to increased traffic issues and that the report submitted by the proponent was quite superficial and should there be consideration for this proposal going ahead that this needs to be considered in much more detail. In particular, concern about the fact that the location was a black spot, significant works have been done by Council and putting additional pressure onto that intersection has the potential to reverse all the good work and return it to a black spot.

Cr Messina returned to the Chamber at 6.45pm.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.45pm.

(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 from Residents and Visitors to Perth opposing the current application for proposed Change of Use to Consulting Rooms and Shop (Massage and Retail Sale of Balms and Ointments) for No 232 Stirling Street, Perth – 191 signatures - The Chief Executive Officer recommended that the Petition relating to the Change of Use to Consulting Rooms and Shop (Massage and Retail Sale of Balms and Ointments) for No 232 Stirling Street, Perth be referred to the Director, Development Services for investigation and report.

5.2 Petition objecting to the proposed drive-through modification to the existing Mount Hawthorn BWS Liquor Store – No 233 (Lot 273) Scarborough Beach Road, Mount Hawthorn – 68 signatures - The Chief Executive Officer recommended that the Petition objecting to the proposed drive-through modification to the existing Mount Hawthorn BWS Liquor Store – No 233 (Lot 273) Scarborough Beach Road, Mount Hawthorn be considered as part of the debate in Item 10.1.11.

Moved Cr Farrell, Seconded Cr Ker

That the Petitions be received and a report be prepared on Item 5.1.

CARRIED (8-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 24 July 2007.

Moved Cr Farrell, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held on 24 July 2007 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre was an apology until 7.27pm)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

1. Employee of the Month Award for the Town of Vincent for August 2007

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For August 2007, the award is presented jointly to Dene Lawrence, Frank Lawrence and Alby Curtis - Rangers in the Town's Ranger and Community Safety Services Division. Dene, Frank and Alby were nominated by the Town's Chief Executive Officer, John Giorgi, as a result of a letter of appreciation received by Ms Sally Wright of Mount Hawthorn.

Ms Wright wrote to the Town expressing appreciation for the fine efforts of the above Rangers, who assisted her when her dog suffered an unprovoked attack in June of this year, as follows;

"...The reason I am writing is to commend the Ranger Service Officers. I realise it is part of their job to attend incidents of this nature, but I really do feel their actions were exemplary.

To begin with I called the After Hours number. Alby returned my call within minutes and visited my house with another Ranger, Dene, later in the morning. Alby was thorough and professional but at the same time compassionate. Both Alby and Dean were reassuring and made me feel I had done the correct thing in calling Ranger Services. They were excellent in detailing what was to be done and what my position was. As Alby was going on leave, the case was transferred to Frank Lawrence.

Frank was outstanding. The owner of the dog was less than co-operative at every level. Frank has showed great tenacity and fortitude. He contacted me each time he made appointments with the dog owner. Often just to let me know that contact had not been made as something always seemed to "come up". He was reassuring at all times. I feel he went above and beyond what could reasonably be expected. It was above what I expected, particularly as it was evident he was being stone walled.

It seems to be that the team of Frank, Alby and Dean lead to the restitution of costs that were incurred by me as a result of the attack. They obviously work well together and make a formidable force. Given the nature of some people they have to deal with, this is a fortunate and necessary thing.

I feel privileged that they were working to help us. I am very grateful for this."

It is always pleasing to receive correspondence such as this, where the positive actions of the Town and the Town's employees are recognised and brought to notice. The acknowledgment afforded these employees reflects favourably upon them individually and also the Town of Vincent overall.

Congratulations Dene, Frank and Alby - and well done!!

2. Ranger of the Year Award

I am pleased to announce that the Town of Vincent Ranger Team is a Finalist in the 2007 Ranger Team of the Year Award conducted by the WA Rangers' Association. Being a finalist in this Award reflects most positively on our Rangers.

This Award will be announced at the Rangers' Annual Conference in late September 2007 and I wish them well in the Award.

3. "Jack Sweet" Media Centre

On 4 August 2007, I was very pleased to officially name the "Jack Sweet Media Centre" at Medibank Stadium. This event was held during the Annual Mayor's Cup between Subiaco Football Club and East Perth Football Club.

Very positive comments have been received concerning this media facility, including from a number of media representatives. The Western Australian Football Commission has now adopted this as the standard for all their WAFL grounds.

4. Leederville Masterplan – Community Consultation

I wish to remind our Community that community consultation for our Leederville Masterplan, which was launched on 17 July 2007 closes on Friday 31 August 2007 and we welcome submissions on the proposal.

5. Beatty Park Leisure Centre – Financial Statement

I am pleased to advise that our Beatty Park Leisure Centre finished the financial year with a cash surplus of \$32,266 (after depreciation), which is a fantastic turn around over previous years.

As many of you are aware, very few "wet" Leisure Centres break even or make a profit and hence Beatty Park's financial performance is a credit to the Centre Manager and his staff.

6. Withdrawal of Item

I wish to draw your attention to the fact that Item 10.1.9 relating to a development at 53-61 Grosvenor Road, Mount Lawley on tonight's Agenda has been withdrawn at the request of the applicant.

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in Item 10.3.3 - Investment Report as at 31 July 2007. The nature of his interest being that he is the Chairperson of the North Perth Community Bank in which the Town has Investment Shares.

8.2 Mayor Catania declared an interest affecting impartiality in the following Item 14.4 – Relating to 412-414 Fitzgerald Street, North Perth. The nature of his interest being that he works in a building which is approximately 20-30 metres away.

8.3 Cr Messina declared a financial interest in Item 10.3.3 - Investment Report as at 31 July 2007. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank in which the Town has Investment Shares.

8.4 Cr Messina declared a proximity interest in Item 14.4 relating to 412-414 Fitzgerald Street, North Perth. The nature of his interest being that he works in a building which is approximately 20 metres away.

- 8.5 Cr Lake declared an interest affecting impartiality in Item 10.1.8 relating to a Development Application at 36 Kadina Street, North Perth. She discloses that she is the author of a document referenced in the Heritage Assessment.
- 8.6 Cr Maier declared an interest affecting impartiality in Item 10.1.10 relating to a Development Application at 150 – 154 Joel Terrace, Mt Lawley. He discloses that he is on the Board of the Swan River Trust.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.1, 10.1.2, 10.1.6, 10.1.7, 10.1.8, 10.1.11, 10.1.14 and 10.4.11

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 10.4.4 and 10.4.8

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	Items 10.1.4 and 10.3.6
Cr Chester	Items 10.1.15
Cr Ker	Nil
Cr Doran-Wu	Item 10.3.7
Cr Torre	Absent
Cr Lake	Nil
Cr Messina	Item 10.1.13.
Cr Maier	Items 10.2.5, 10.3.1 and 10.4.2
Mayor Catania	Nil

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

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

Item 10.3.3

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

Items 10.1.3, 10.1.5, 10.1.10, 10.1.12, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.6, 10.2.7, 10.3.2, 10.3.4, 10.3.5, 10.4.1, 10.4.3, 10.4.5, 10.4.6, 10.4.7, 10.4.9, 10.4.10 and 10.4.12

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

Item 14.1, 14.2, 14.3 and 14.4

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

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

Items 10.1.3, 10.1.5, 10.1.10, 10.1.12, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.6, 10.2.7, 10.3.2, 10.3.4, 10.3.5, 10.4.1, 10.4.3, 10.4.5, 10.4.6, 10.4.7, 10.4.9, 10.4.10 and 10.4.12

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

Item 10.1.1, 10.1.2, 10.1.6, 10.1.7, 10.1.8, 10.1.11, 10.1.14, 10.4.11

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 10.1.3, 10.1.5, 10.1.10, 10.1.12, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.6, 10.2.7, 10.3.2, 10.3.4, 10.3.5, 10.4.1, 10.4.3, 10.4.5, 10.4.6, 10.4.7, 10.4.9, 10.4.10 and 10.4.12

CARRIED (8-0)

(Cr Torre was an apology until 7.27pm)

10.1.3 No. 284 (Lot Y32 D/P: 4099) Charles Street North Perth - Windows Additions to Existing Six (6) Two-Storey Grouped Dwellings (Application for Retrospective Approval)

Ward:	North	Date:	3 August 2007
Precinct:	Smith's Lake ; P6	File Ref:	PRO1845; 5.2007.243.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	R Rasiah, 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 L Salomone on behalf of the owner L S, S and D A Salomone and G and M R Vinciguerra for Windows Additions to Existing Six (6) Two-Storey Grouped Dwellings (Application for Retrospective Approval), at No. 284 (Lot Y32 D/P: 4099) Charles Street, North Perth, and as shown on plans stamp-dated 26 June 2007.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

Landowner:	L S, S and D A Salomone and G and M R Vinciguerra
Applicant:	L Salomone
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwellings
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1209 square metres
Access to Right of Way	East side, 3.0 metres wide, unsealed, privately-owned

BACKGROUND:

21 December 2004 The Council at its Ordinary Meeting approved an application for demolition of existing single house and construction of six (6) two-storey grouped dwellings.

6 February 2006 A subsequent Planning Approval was granted under delegated authority from the Council for the construction of six (6) two-storey grouped dwellings. The main difference between these plans and the plans approved at the Ordinary Meeting of Council held on 21 December 2004 was that vehicular access was no longer required from the right of way as the owners of the subject site do not have legal right to the use of the right of way.

DETAILS:

The application for retrospective approval involves windows additions to the existing grouped dwellings.

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:			
The proposal was not advertised as it does not involve any greater variations to the development requirements from the previously approved plans.			
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:

Privacy & Setbacks

The additional windows are located on the ground floor of unit 1 (garage and bedroom 3), first floor of unit 2 (dining room), and first floor of units 3-6 (master bedroom, ensuite and dining room) which have been shown clouded on the attached plans. The windows do not have any additional impact on the adjoining neighbours in terms of privacy and setbacks.

Conclusion

In light of the above, approval is recommended.

10.1.5 No. 122 (Lots 90 and 91 D/P: 1823) Angove Street, North Perth - Proposed Alterations and Additions to Light Industry (Existing Motor Vehicle Repair Premises)

Ward:	North	Date:	7 August 2007
Precinct:	Charles Centre; P07	File Ref:	PRO1184; 5.2006.67.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, 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 T Genovese on behalf of the owner A Cristea for proposed Alterations and Additions to Light Industry (Existing Motor Vehicle Repair Premises), at No. 122 (Lots 90 and 91 D/P: 1823) Angove Street, North Perth, and as shown on plans stamp-dated 17 February 2006, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policy No.2.2.10 relating to crossovers, which requires the maximum width of any crossover to be 7.5 metres;*
- (iii) the non-compliance with condition No.8 of the Town's conditions of approval requiring the provision of one car bay, which was approved under delegated authority from the Council on 16 January 2001, in response to the Minister's dismissal of the Section 10 Notice against the use of the subject property as a motor repair shop; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

Landowner:	A Cristea
Applicant:	T Genovese
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Light Industry
Use Class:	Shop
Use Classification:	"P"
Lot Area:	637 square metres
Access to Right of Way	N/A

BACKGROUND:

The subject site is occupied by a shop, tyre distribution centre and a motor vehicle repair shop. The site history of the place is as follows:

16 September 1971 The tyre distribution centre was approved in 1971, with the following conditions imposed:

- “(i) *the use hereby permitted shall be carried out without detriment to the residential amenities of the locality and the amenities of the adjoining dwelling in particular;*
- (ii) *no part of the premises to be used for tyre re-capping;*
- (iii) *at the time of the development a landscaped strip at least 3 feet in width shall be provided along the full length of the boundary between Lots 89 and 90 and the area so set aside shall be laid out and planted and thereafter maintained to the approval of the Council; and*
- (iv) *at the time of the development, the car parking accommodation indicated on the submitted plan shall be laid out and constructed, paved and drained and the spaces marked out and constructed on the site and the accommodation so provided thereafter maintained as parking and circulation space, all to the approval of the Council.”*

The letter of approval also refers to the “*conditions of approval as endorsed on approved plans*” which read:

- “(i) *comply with the requirements of the Metropolitan Water Supply, Sewerage and Drainage Board;*
- (ii) *comply with the Council’s Health Department;*
- (iii) *comply with the requirements of the Chief Inspector of Shops and Factories;*
- (iv) *comply with the requirements of the W.A. Fire Brigades Board;*
- (v) *the use hereby permitted shall be carried out without detriment to the residential amenities of the locality and the amenities of the adjoining dwelling in particular;*
- (vi) *no part of the premises to be used for tyre recapping;*
- (vii) *at the time of the development, the car parking accommodation indicated on the submitted plan shall be laid out and constructed, paved and drained and the spaces marked out and constructed on the site and the accommodation so provided thereafter maintained as parking and circulation space, all to the approval of the Council;*
- (viii) *the open portions of the site shall not be used for storage purposes;*
- (ix) *toilet facilities to be provided in accordance with Health Department regulations; and*
- (x) *on site parking for six cars to be provided.”*

- 21 August 1998 The Town received a complaint regarding the use of the premises and whether an approval had been issued. A site inspection revealed that motor vehicle repair shop had been established on the premises and additional structures had been built without planning or building approval.
- 24 March 1999 The owner/operator of tyre distribution centre submitted an application for the existing motor vehicle repair use on the site.
- 28 June 1999 Having regard to impact on the amenity of the area and the objections received from the period of community consultation, the Council at its Ordinary Meeting refused the above application and resolved to advise the applicant that the unauthorised motor vehicle repair usage was to cease and the unauthorised associated structure be removed from the site within 6 months.
- 7 April 2000 A further application for the unauthorised motor vehicle repair use was received.
- 13 July 2000 A Section 10 Notice was served on the owners of the subject property to cease the motor vehicle use and install the required landscaping.
- 25 July 2000 The Council at its Ordinary Meeting refused the application for the unauthorised motor vehicle repairs (existing unauthorised use) received on 7 April 2000.
- 25 July 2000 The landowner lodged a copy of the appeal documents against the serving of the Notice with the Town.
- 18 December 2000 The then Minister for Planning, Graham Kierath MLA dismissed the Section 10 Notice issued against the use of the subject place as a motor repair shop on the basis that the Town issue a list of requirements for the continual operation of the motor vehicle repair shop. An extract from the Minister's letter regarding the decision is provided below:
- "it is evident that the motor repair shop provides a service in the local community and there is some doubt about the seriousness of the amenity problem. The planning issues associated with the tyre distribution centre have existed on the site for over thirty years and the issues associated with the motor repair shop for over ten years."*
- 16 January 2001 Following the determination of the appeal against the Town's issue of a Section 10 Notice against the unauthorised use of a motor vehicle repair shop, the following conditions for the development were imposed by the Council under delegated authority:
- (i) *no recapping or retreading of tyres, panel beating, spray painting or chassis reshaping being undertaken on the site;*
 - (ii) *no vehicular access being gained from Farmer Street;*
 - (iii) *the crossover on Farmer Street being removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense. The rear wall of the building being continued west to ensure no access is gained to Farmer Street from the motor vehicle repair building;*

- (iv) *the existing building being repainted within six months. A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the painting works being undertaken;*
- (v) *the trading hours of the motor vehicle repairs operation being restricted to 7:00am to 6.00 pm Monday to Friday and 7.30 am to 1.00 pm Saturday. Trading on Sundays and public holidays is not permitted;*
- (vi) *a maximum of one motor vehicle mechanic operating at the premises at any one time;*
- (vii) *a maximum of two work bays operating at the premises at any one time;*
- (viii) *a minimum of one car parking bay for the motor vehicle repair operation being provided on-site at right angles to Angove Street. The car parking bay(s) being line-marked and clearly identified for the use of motor vehicle repair patrons;*
- (ix) *all equipment associated with the motor vehicle repair operation and vehicles being repaired are to be totally contained within the motor vehicle repair building; and*
- (x) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer."

4 September 2001

In response to a request for the arbitration on Condition (iii) from the above conditions, the Minister For Planning and Infrastructure, the Honourable Allana MacTiernan resolved to amend the subject condition to read as follows:

- '(iii) the crossover on Farmer Street being removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division at the applicant's owners full expense.'*

17 February 2006

The Town received an application, which is the subject of this report for alterations and additions to the subject tyre distribution centre and motor vehicle repair use shop.

1 June 2006

The Town received a letter of complaint regarding building works that were being undertaken at the shop component of the subject place, which is adjacent to the tyre distribution centre and motor vehicle repair use shop. These works encroached onto the road reserve.

28 June 2006

The Town wrote to the owner of the place regarding unauthorised alterations and additions to the existing shop at the subject site. These works included; the replacement of the awning, replacement of the ceiling, removal of windows and flooring and the partial removal of walls. The Town advised the applicant to stop all building works and to apply to the Town for retrospective planning approval. A structural engineers report was requested confirming the structural integrity of the work that had been undertaken.

18 July 2006

The Town received an application, which is the subject of another Agenda Report being presented at this Meeting of Council, for alterations and additions to existing shop and associated signage (application for retrospective approval).

DETAILS:

The proposal involves alterations and additions to the existing tyre distribution centre and the motor vehicle repair premises at No. 122 (Lots 90 and 91) Angove Street, North Perth. These works involve the construction of a canopy and associated tilt-a -doors. It is to be noted that the tyre distribution centre straddles over both Lots 90 and 91 and that the motor vehicle repair is contained within Lot 90.

The applicant advises that the proposed works are to address problems with security, to improve the amenity of the site and to provide additional protection from inclement weather.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Setbacks: Canopy/tilt doors to southern boundary (Angove Street)	Setback is to be sympathetic to the predominant streetscape pattern.	Nil setback to southern (Angove Street) property boundary.	Supported - as the canopy/tilt doors follows the existing nil setback of the shop portion of the building. The canopy/tilt doors will even out the façade of the building and improve the amenity of the façade and as it is considered to enhance the streetscape and surrounding amenity.
Canopy setback to eastern lot boundary	1.7 metres	Nil.	Supported - as the proposal is not considered to have an undue impact on affected neighbour and no objection received from affected neighbour.
Building on Boundary to eastern boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Canopy height - 3.6 metres.	Supported - as the canopy is not considered to have an undue impact on affected neighbour and no objection received from affected neighbour.

<p>Shop Fronts and Front Facades to Non-Residential Buildings Policy No. 3. 5. 15</p>	<p>Open type security grilles or transparent (visually permeable to 75 per cent of the overall surface area) shutters to shop fronts and front facade to non-residential buildings are acceptable only when they are moveable, and not visibly seen during trading hours of the business.</p>	<p>The tilt-a-doors along Angove Street consists of three horizontal panels. The two outer sections comprise of opaque security mesh and the central panel comprises of 75 per cent visually permeable security mesh.</p>	<p>Not supported - as the tilt-a-door is considered to have an undue impact on the streetscape.</p>
---	---	---	---

Consultation Submissions

<p>Support</p>	<p>Nil</p>	<p>Noted.</p>
<p>Objection (1)</p>	<ul style="list-style-type: none"> The bulk of the development (i.e. the height and length of the canopy) in the setback area and the nil setbacks are inconsistent with the existing development in the locality and inconsistent with the existing streetscape. The proposed development would be detrimental to the existing streetscape and the amenity of the locality. 	<ul style="list-style-type: none"> Not supported - as the canopy/tilt doors follows the existing nil setback of the shop portion of the building. The canopy/tilt doors will even out the façade of the building and improve the amenity of the façade and as it is considered to enhance the streetscape and surrounding amenity.

Other Implications

<p>Legal/Policy</p>	<p>TPS 1 and associated Policies.</p>
<p>Strategic Implications</p>	<p>Nil</p>
<p>Financial/Budget Implications</p>	<p>Nil</p>

Car Parking

<p>Car Parking Requirement -</p> <ul style="list-style-type: none"> Tyre Distribution Centre: 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of display and sales area or part thereof; (163.15 square metres) = 3 car bays Motor Vehicle Repair: 3 spaces per each working bay provided; (2 working bays) = 6 car bays Shop: 1 space per 15 metres square of gross floor area; (165.9 square metres) = 11.06 car bays 	
--	--

<ul style="list-style-type: none"> Total 20.06 car bays. (to the nearest whole number) 	20 car bays
Apply the adjustment factors: <ul style="list-style-type: none"> 0.95 (within 400 metres of an existing public car parking place within excess of 25 car parking spaces); and 0.85 (within 400 metres of a bus stop) 	(0.8075) 16.15 car bays
Minus car parking on-site	Nil
Minus the most recently approved on-site car parking short fall. (Refer to 'Comments')	16.15 car bays
Resultant Surplus/Shortfall	One - as required from the Town's conditions of approval, which was approved under delegated authority from the Council on 16 January 2001, in response to the Minister's dismissal of the Section 10 Notice. See "Comment" section below.

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

COMMENT:

As detailed in the 'Background' section of this report, the Town has been reluctant in the past to support the use of the subject place as a motor repair shop as it is not considered to be a suitable “buffer” for the abutting residential area. As stated in the Minutes from the Ordinary Meeting of Council held on 28 June 1999, approval *'represents a mismanagement of the use and development of land, which is contrary to the Objectives and Intentions of Town Planning Scheme No.1 and associated Policies.'*

The subject motor repair shop comprises of a make-shift structure, which originally did not receive planning and/or building approval. The proposed development aims to increase the aesthetics of the place by the addition of a new façade treatment to Angove Street. The Town's Officers consider that the proposal has the potential to reduce the visual impact of the mechanic repair shop to Angove Street.

However, the Charles Centre Precinct Policy No. 3. 1. 7 states *'adequate car parking is to be provided on site to ensure that unreasonable commercial parking does not spill into adjacent residential streets.'* As seen from the Car Parking Assessment Table, there are no proposed car bays provided on-site. The current situation provides for one car parking space, however, this is not considered adequate to meet the premise's needs as the Town's files for the subject place contain a number of complaints that state a number of vehicles associated with the place are being parked in the surrounding residential streets.

Notwithstanding this, it is to be noted that when the Minister dismissed the Section 10 Notice against the use of the subject property as a motor repair shop, he effectively approved a significant shortfall in parking for all the uses on-site. In his letter of 18 December 2000, the former Honourable Minister acknowledged that the buildings on-site included a *'shop and facilities used as a tyre distribution centre and a motor vehicle repair shop'*. The endorsement of the motor vehicle repair shop precluded the provision of sufficient on-site car parking as the lot was almost built boundary to boundary.

As outlined in the 'Background' to this report, condition No. 8 of the approval, which was issued under Delegated Authority from the Council on 16 January 2001, in response to the Minister's dismissal of the Section 10 Notice against the use of the subject property as a motor repair shop, required *"a minimum of one car parking bay for the motor vehicle repair operation being provided on-site at right angles to Angove Street. The car parking bay(s) being line-marked and clearly identified for the use of motor vehicle repair patrons."* The subject proposal will remove the existing single bay and will provide no readily accessible car parking bays for patrons of the site. The current car bay, however, is not compliant in terms of size, length and width and is not accessible via an approved crossover. Access to this car bay is via a concrete nib.

Technical Services

The Town's Technical Services have advised that the proposal does not comply with the Town's Policy No.2.2.10 - Crossovers, which requires the maximum width of any crossover to be 7.5 metres. Where crossovers to the street occur they are to, where possible, be located so as to maximise the number of kerbside parking spaces and also so as to not detract from the visual quality of the street, particularly by the proportion of frontage taken up by crossovers.

The proposal involves the widening of the existing crossover to accommodate a three tilt-a-door arrangement, which will result in a 16 metre crossover. The existing crossover is approximately 7.5 metres wide and only provides access to the tyre distribution centre. However, the concrete nib between the subject crossover and the adjacent property's crossover at No. 118 Angove Street, appears to have been used as a point of access to the motor vehicle repair shop. This has resulted in the nib being worn down to appear like a crossover. Technical Services have advised that a requirement of approval of any further application affecting the cross-over access will require the reinstatement of this concrete nib. It is to be noted that there is access to the tyre distribution centre from Farmer Street.

In light of the above, the Town's Technical Services do not consider the proposal to be a suitable solution for the provision of car parking and vehicular access to the site and recommend that the applicant redesign the proposal in consultation with the Town's Technical Services Officers.

In addition to this, the proposed car parking bay for the shop is non-compliant and is not supported. The application for Proposed Alterations and Additions to Existing Shop (Application for Retrospective Approval), which is also being presented to the Council at this Ordinary Meeting, has included a condition that requires the removal of the proposed sliding gate along the southern Angove Street boundary and its replacement with a visually permeable fence.

Summary

As per previous recommendations by the Town's Officers, it is considered the subject place represents a mismanagement of the use and development of land, which is contrary to the Objectives and Intentions of Town Planning Scheme No.1 and associated Policies. Whilst the proposed alterations and additions aim to increase the visual amenity of the subject place, the proposal removes the requirement for the provision of one car parking bay on-site and conflicts with the Town's Policy for Crossovers.

It is to be noted that an application for alterations and additions to the existing shop and associated signage (Serial No. 5.2006.355.1) at the above site is also presented as an Agenda Report at this Ordinary Meeting of Council.

In light of the above, the proposal is not supported.

10.1.10 Nos. 150-154 (Lot Y350 D/P: 2001, Lot 801 D/P: 43512, Lot 348 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Retaining Wall Addition To Three (3) Existing Single Houses

Ward:	South	Date:	7 August 2007
Precinct:	Banks; P15	File Ref:	PRO3938, PRO3939,PRO3073; 5.2007.128.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, 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 TG Wilson on behalf of the owners LG and PM Tassiker, H & D E Schoolland and TG Wilson for proposed Retaining Wall Addition to Three (3) Existing Single Houses, at Nos. 150-154 (Lot Y350 D/P: 2001, Lot 801 D/P: 43512, Lot 348 D/P: 2001) Joel Terrace, Mount Lawley and as shown on sewer reticulation and design data plan, retaining wall layout plan, retaining wall details on plans stamp-dated 11 April 2007 and earthwork section plan stamp dated 2 August 2007, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Retaining Wall and Fill and Residential Area Fences requirements of the Residential Design Codes, and the Town's Local Law relating to Fencing, Floodlights and other External Lights , respectively;*
- (iii) consideration of the comments and recommendation for refusal received from the Swan River Trust that the proposed retaining wall will have an adverse impact on the Parks and Recreation Reserve and the River Foreshore due to the excessive height and lack of setback from the Parks and Recreation Reserve boundary; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

Landowner:	LG and PM Tassiker, H & D E Schoolland and TG Wilson
Applicant:	T G Wilson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R 60
Existing Land Use:	Single House

Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 350- 2119 square metres Lot 801 -2189 square metres Lot 348 - 2250 square metres
Access to Right of Way	N/A

BACKGROUND:

- 24 May 2007 Proposal referred to Swan River Trust (SRT) and Department for Planning and Infrastructure (DPI) for comments and recommendations.
- 29 May 2007 57 community consultation letters were sent to surrounding property owners for comments.
- 8 June 2007 Email received from SRT requesting additional information for their assessment.
- 8 June 2007 The email from the SRT was forwarded to the applicant for action.
- 10 July 2007 A copy of a letter from the applicant addressed to the SRT is received by the Town for its information.
- 18 July 2007 The DPI Officers verbally advised the Town's Officers that they had no comments to make in relation to the subject proposal and that the DPI will abide by the SRT recommendations.
- 26 July 2007 Advice received from SRT recommending refusal of the proposal for the following reason:
"The proposed retaining wall will have an adverse impact of the Parks and Recreation reserve and the river foreshore due to the excessive height and lack of reasonable setback from the Parks and Recreation reserve boundary."
- 30 July 2007 The DPI advises via email that it is prepared to abide by the SRT recommendation and has no further comments in relation to the subject planning application.
- 31 July 2007 Application for review for a deemed refusal based on non-determination by the Town in relation to the development proposal lodged with the State Administrative Tribunal (SAT) - DR 256 of 2007.
- 8 August 2007 Directions hearing at SAT.

DETAILS:

The proposal involves proposed retaining wall addition to three single houses. The applicant's submission is attached.

The applicant has also lodged an application for review for a deemed refusal based on non-determination by the Town in relation to the development proposal with the State Administrative Tribunal (SAT), even though the applicant was advised by the Town's

Administration that the proposal was to be considered at the Ordinary Meeting of Council on 14 August 2007.

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
Retaining Wall/Fill	Not exceeding 0.5 metre	Approximately 0.5-1.5 metres along eastern boundary	Not supported- variation sought is considered to be excessive and to have an undue impact.
Walls/Fences	2.4 metres	Approximately 1.5-2.9 metres along eastern boundary (includes retaining wall)	Not supported - as above.
Consultation Submissions			
Support	Nil		Noted.
Objection (2)	<ul style="list-style-type: none"> The Swan River Trust has advised it recommends refusal of the proposal for the following reason : <i>"The proposed retaining wall will have an adverse impact of the Parks and Recreation reserve and the river foreshore due to the excessive height and lack of reasonable setback from the Parks and Recreation reserve boundary."</i> The Department for Planning and Infrastructure has advised via email that it is prepared to abide by the Swan River Trust and has no comments in relation to the subject planning application. 		Supported - for the same reason.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS

In light of the above, the planning application is recommended for refusal. It is to be noted that should the Council determine to support/approve the proposal, then the application will be required to be forwarded to the Western Australian Planning Commission for its determination.

10.1.12 City of Perth City Planning Scheme No. 2 – Proposed Amendment No.11 – Proposed Special Control Area Covering Nos. 126 -144 (Lot 123) Stirling Street, Perth

Ward:	N/A	Date:	1 August 2007
Precinct:	N/A	File Ref:	PLA0183
Attachments:	"Laid on the Table"		
Reporting Officer(s):	A Rayner		
Checked/Endorsed by:	B McKean, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the letter dated 18 July 2007 and associated documentation from the City of Perth in relation to the 'City Planning Scheme No.2 - Proposed Amendment No.1' as 'Laid on the Table'; and*
- (ii) *ADVISES the City of Perth that the Council has NO OBJECTION to 'Proposed Amendment No.11' to the City of Perth City Planning Scheme No.2.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF REPORT:

The purpose of this report is to outline to the Council the City of Perth's Proposed Amendment No.11 – Proposed Special Control Area Covering Nos. 126-144 (Lot 123) Stirling Street, Perth to the 'City Planning Scheme No.2'. The City of Perth is seeking comments from relevant stakeholders with the public comment period closing on 29 August 2007.

BACKGROUND:

13 September 2000 The City of Perth granted approval for the refurbishment of the former Supermail Centre Building, located on the northern half of the property. It was in accordance with this approval that the building, now known as the Hatch Building, was constructed with approximately 10,752 square metres of plot ratio floor area. The Hatch building is not provided with any tenant car parking spaces below the building but relies of the tenant car parking on the southern portion of the site.

25 March 2003 The City of Perth granted approval for the development of a six level office building, containing minor retail, tenant and public car parking

facilities on the southern portion of the site. The approval included the development of five levels of office accommodation with 201 tenant bays and 330 public car parking bays. The ground level facing Stirling Street contained a restaurant/café and general retail space. The approved plot ratio floor area was 11,600 square metres (plus public parking of 4,538 square metres).

26 March 2003 The City of Perth approved development of the southern portion of the site for basement car parking, upper deck and columns and structures in support of and addressing the lack of car parking provided for the remaining areas of block.

2003 Works were undertaken as part of the 26 March 2003 approval and included the basement parking, upper deck and columns and structures. The City of Perth in its letter dated 31 July 2006 confirmed that the works undertaken as part of the 26 March 2003 approval constituted substantial commencement and therefore the approval remains valid in perpetuity.

30 January 2007 The City of Perth approved the development of an eight level mixed use development consisting of offices, one commercial tenancy, a gymnasium, 202 tenant car parking bays and 282 public long stay car parking bays on the southern portion of the site.

24 April 2007 The City of Perth Council at its meeting resolved the following:

“Pursuant to section 75 of the Planning and Development Act 2005, the Council initiates the following amendments to City Planning Scheme No 2:

1. *In Clause 57A insert:*

(h) *126 – 144 (Lot 123) Stirling Street Special Control Area.*

2. *Insert the following in Schedule 9 Special Control Areas:*

8.0 *126 – 144 Stirling Street Special Control Area*

8.1 *Special Control Area*

The following provisions apply to the land marked as Figure 8 – 126 – 144 Stirling Street Special Control Area.

8.2 *Objective*

The objective of the 126 – 144 Stirling Street Special Control Area is to facilitate the development of the Special Control Area as a whole in a coordinated manner.

8.3 *Plot Ratio*

For the purpose of determining plot ratio the 126 – 144 Stirling Street Special Control Area shall be treated as one site.

8.4 *Car Parking*

For the purpose of determining the maximum tenant parking allowance for any development on the subject land, 126 – 144 Stirling Street Special Control Area shall be treated as one site.

3. *Amending the Scheme Map and Precinct Plan accordingly.”*

1 July 2007

The Town gained, as part of the Boundary Changes with the City of Perth, an area that directly abuts Nos. 126 -144 Stirling Street (site to which the Proposed Amendment No. 11 relates).

DETAILS:

The Town received a letter dated 18 July 2007 and associated documentation from the City of Perth relating to the ‘City Planning Scheme No.2 - Proposed Amendment No.11’ seeking the Town’s comments on the Proposed Amendment.

The Proposed Amendment No.11 relates to a Proposed Special Control Area covering Nos. 126 - 144 (Lot 123) Stirling Street, Perth and consists of the following:

- The Special Control Area;
- The Objective;
- Plot Ratio; and
- Car Parking.

A copy of the subject letter from the City of Perth and ‘Proposed Amendment No.11’ and Scheme Amendment Report are attached to this report and are “*Laid on the Table*” for the Council’s consideration. A Copy has been circulated separately to Elected Members, Chief Executive Officer and Directors.

A summary of the Proposed Amendment No.11 is below:

- Clearly defines the Special Control Area as the block covering Nos. 126-144 (Lot 123) Stirling Street, Perth;
- Acknowledges the current status of development and the inequity of plot ratio and car parking facilities if the owners intended to subdivide the Lot into four separate Lots;
- Ensures that the block is considered as one site to overcome the inequity of plot ratio and car parking requirements that may result if the land is subdivided in the future; and
- Allow for the subdivision of the site while maintaining consistency with the approvals issued for the site.

CONSULTATION/ADVERTISING:

Not required by the Town.

LEGAL/POLICY:

Town Planning Scheme No. 1 Review and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Strategic Objectives: Natural and Built Environment:
"1.1.4 Minimise negative impacts on the community and environment".

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed amendment has been initiated in an attempt to facilitate a clear coordinated approach to development in the subject area and produce more desirable planning outcomes for future development of the area. The proposed modifications are considered acceptable and, as such, it is recommended that the Council receives the documentation relating to the Proposed Amendment No.11 and advises City of Perth that it has no objections.

10.2.1 Tender for the Supply and Delivery of Concrete - Tender No. 365/07

Ward:	Both	Date:	7 August 2007
Precinct:	All	File Ref:	TEN0373
Attachments:	001		
Reporting Officer(s):	C Economo, J Greenwood		
Checked/Endorsed by:	M Rootsey, R Lotznicker,	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the Tender submitted by Readymix for the Supply and Delivery of Concrete in accordance with the specifications detailed in Tender No. 365/07.

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

BACKGROUND:

Tenders for the supply and delivery of Concrete for a three (3) year period closed at 2.00 pm on 18 July 2007 and one (1) tender was received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of the submission received are listed below (prices include GST):

Description		Unit	Delivered greater than or equal to 3.4m ³	Delivered less than 3.4m ³
1.	<u>Schedule of Prices</u>			
	20 Mpa/10mm Max. aggregate size	m ³	\$164.00	\$164.00 *
	20 Mpa/14mm Max. aggregate size	m ³	\$161.50	\$161.50 *
	20 Mpa/20mm Max. aggregate size	m ³	\$159.00	\$159.00 *
	25 Mpa/10mm Max. aggregate size	m ³	\$169.00	\$169.00 *
	25 Mpa/20mm Max. aggregate size	m ³	\$164.00	\$164.00 *
2.	Extra cost for rapid hardening	\$/ m ³	\$4.20	
3.	Waiting time	Item	\$1.70	
4.	Minimum charge	Item	\$30.00 **	
5.	Surcharges - Monday to Friday	Item	***	

6.	Outside <u>Normal</u> working hours Saturday AM Saturday PM Sunday & public holidays	Item	***
7.	Plant operating times & normal supply times		***

* Plus minimum cartage item 4

** Per undelivered m3

*** Refer attached schedule of additional charges & surcharges

Evaluation

The tender was evaluated in accordance with the selection criteria as outlined in the tender documentation as follows:

<i>Selection Criteria</i>	<i>Weighting</i>
Demonstrated previous experience in the provision of products/services	20%
Organisational structure/capacity to deliver/resources	20%
Contract Price	35%
Compliance with the Tender Specification	15%
Financial capacity of the Company	5%
References from other persons/organizations	5%
TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Acting Director Technical Services, Craig Wilson, Manager Financial Services, Bee Choo Tan, and Manager Parks Services, Jeremy van den Bok.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	Readymix
Demonstrated previous experience in the provision of products/services (20)	20
Organisational structure/capacity/resources (20)	20
Contract Price (35)	35
Compliance with Tender Specification (15)	15
Financial Capacity (5)	5
References (5)	5
Total	100
Ranking	1

Readymix has previously held this tender with the Town and provided a high level of service and good quality product.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area this would fall into the general category in the Town's Strategic Plan 2006-2011 Key Result Area One: *1.1.6 "Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Town's infrastructure during the 2007/08 to 2009/2010 financial years.

COMMENTS:

The Town's Engineering Services uses about 100 to 150 cubic metres of concrete per annum. Readymix has previously provided a good service to the Town and has submitted a competitive price. It is therefore recommended that the Council accept the tender for the Supply and Delivery of Concrete as submitted by Readymix, in accordance with the specifications as detailed in Tender No. 365/07.

10.2.2 Road Closure - Transformer Site Relocation, Newcastle Street

Ward:	South	Date:	3 August 2007
Precinct:	City of Perth (P2) Cultural Centre	File Ref:	
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicker C Wilson	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the closure of portion of the Newcastle Street road Reserve;*
- (ii) *APPROVES the initiation of the closure process as shown on appendix 10.2.2, in accordance with Section 58 of the Land Administration Act; and*
- (iii) *ADVISES East Perth Redevelopment Authority of its decision.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the closure of portion of the Newcastle Street road reserve, being a statutory requirement under the Land Administration Act.

BACKGROUND:

The Town has been asked by the East Perth Redevelopment Authority (EPRA) to initiate the closure of portion of the Newcastle Street road reserve, which was previously set aside for a Western Power transformer site. It has been agreed between Western Power and the owner of the adjacent property to relocate the transformer to a less prominent location. Therefore, the portion of the road reserve previously reserved for the transformer can now be closed and amalgamated into the adjacent lot.

DETAILS:

EPRA has approved a three story mixed commercial and residential development for Lot 801, on the corner of Pier and Newcastle Streets, Perth. The site is within the area recently acquired by the Town from the City of Perth.

Portion of what is now Lot 801 was previously excised and amalgamated into the Newcastle Street road reserve, to create a site for a Western Power transformer. The developer of Lot 801 has gained approval from EPRA to construct a three storey building, comprising seven (7) commercial offices and twenty two (22) single bedroom apartments (refer appendix 10.2.2).

The developer has proposed that the transformer would be better sited within the lot behind the building in the car park, and would like to purchase the existing transformer site and amalgamate it with Lot 801, thus amending the approved development to include an additional commercial unit. The proposal has been approved by both Western Power and EPRA, who have requested the Town to initiate the road closure process.

CONSULTATION/ADVERTISING:

Consultation requirements are set out in Section 58 of the Land Administration Act. Once the Council has approved the closure of the portion of road reserve, the proposal will be advertised and submissions invited.

STRATEGIC IMPLICATIONS:

In line with Key Result Area One of the Draft Strategic Plan 2006-2011: 1.1.6 (e) *Review, Implement and promote the Car Parking Strategy.*

FINANCIAL/BUDGET IMPLICATIONS:

The applicant has agreed to pay all costs involved.

COMMENTS:

The relocation of the transformer will mean that better use can be made of the site. An easement will be placed on the title of the land to safeguard Western Power's right of access to the transformer for maintenance purposes. It is recommended that the Council approve the partial road closure.

10.2.3 2007 Pride Parade - Temporary Closure of Brisbane Street between Beaufort and William Streets and William Street between Bulwer and Newcastle Streets, Perth

Ward:	South	Date:	8 August 2007
Precinct:	Forrest P14; Beaufort P13 & Hyde Park P12	File Ref:	TES0027 & CMS0040
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **APPROVES:**

- (a) *the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Brisbane Streets, between 6.00pm and 9.30pm, and William Street, between Brisbane and Newcastle Streets from 7.30pm to 9.30pm on Saturday, 27 October 2007, to facilitate the 2007 Pride Parade;*
- (b) *a Main Roads WA accredited Traffic Management contractor to carry out the required road closures within the Town at the locations shown on attached Plan No. A4-00-063B;*
- (c) *the estimated cost of the road closures of \$4,200 to be funded from the 2007/2008 Parades and Festivals budget allocation, and this is conditional that the applicant acknowledges the Town of Vincent as a sponsor in all publicity for the parade;*
- (d) *a temporary "No Parking" restriction in the same area from 2.00 pm on Saturday, 27 October 2007; and*

(ii) **REQUESTS that the applicant:**

- (a) *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;*
- (b) *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 the advertisement; and*
- (c) *letter drops all the affected residents and businesses along the parade route at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators and the Town's after hours contact details.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to close Brisbane and William Streets, Perth, and sections of the surrounding road network, between the hours of 6.00pm and 9.00pm on Saturday, 27 October 2007, to facilitate the 2007 Pride Parade.

BACKGROUND:

Pride WA has successfully held their annual Pride Parade through the streets of Northbridge for the past 18 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.

To safely accommodate both the participants and spectators alike, a series of coordinated road closures are inserted in Brisbane, William and surrounding streets progressively from 6.00pm to 7.45pm* and withdrawn from about 9.00pm, once the procession has passed into the City of Perth's area south of Newcastle Street.

Note*: Newcastle Street is the last road closure inserted at 7.45pm, 15 minutes prior to the start of the parade.

Since 2000 the Town has engaged the services of a Main Roads WA accredited Traffic Management Contractor to ensure that the road closures are undertaken in accordance with the Australian Standards and Main Roads WA *Traffic Management of Events Code of Practice*.

The City of Perth is responsible for all road closures south of, and including, Newcastle Street.

DETAILS:

As in 2006 the area to be temporarily closed to facilitate the 2007 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 allocate significant staff resources and either acquire or hire a substantial number of new traffic signs and barricades to implement the closures in accordance with the Australian Standards, and Main Roads WA *Traffic Management of Events Code of Practice*. The direct cost to the Town would far exceed that of the cost of engaging a Traffic Management Contractor. Further, under the Town's current arrangement with Pride WA, they contribute toward the costs for the road closures within the Town, with both parties invoiced separately.

Up to and including the 2005 Parade, the City of Perth used its own staff and resources to install the road closures south of Newcastle Street. However, as of last year's event, the City came to a similar conclusion to that of the Town and now engages the services of a Traffic Management Contractor.

The Town's Rangers are responsible for setting up and enforcing the temporary *No Parking* restrictions.

In appreciation of the Town's continuing support for the annual parade, Pride WA will again confer *Gold Partnership* status on the Town which includes:

- Half page advertisement in the Pride Festival Guide (circulation 10,000+).
- Banner advertisement on the Pride WA website.

- The Town's logo on the Pride WA street banners(s).
- The Town's logo on Pride Festival posters, flyers and newspaper advertisements.

CONSULTATION/ADVERTISING:

As per clause (v) part (b) 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 the Road Traffic Act 1974. Further, Pride WA has provided an undertaking to letter drop all the affected residents and businesses along the parade route in accordance with clause (v) part (c).

LEGAL/POLICY

The Town is responsible to ensure that all road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA *Traffic Management of Events Code of Practice* and therefore a suitably qualified and Main Roads WA accredited Traffic Management Contractor will be engaged.

FINANCIAL/BUDGET IMPLICATIONS:

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 dismantling), will cost in the order of \$4,200.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Strategic Plan 2006-2011 – 3.1.1 Celebrate and acknowledge the Town's cultural and social diversity. “a) *Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town*”.

COMMENTS:

Traffic Management for large public events has over the past decade 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. The Traffic Management Contractor will be required to provide a comprehensive 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 main body of the report to accommodate the 2007 Pride Parade.

10.2.4 Partial Right of Way Closure, Camelia Street, North Perth

Ward:	North	Date:	8 August 2007
Precinct:	Smith's Lake P6	File Ref:	
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the closure of portion of the Right of Way at the rear of 27 and 29 Camelia Street, North Perth;
- (ii) **APPROVES** the partial closure of the right of way in accordance with Section 52 of the Land Administration Act;
- (iii) **REQUESTS** the Minister approve the closure of the right of way; and
- (iv) **ADVISES** the adjacent residents of the Council's decision.

COUNCIL DECISION ITEM 10.2.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval of the closure of part of the right of way (ROW) bounded by Alma, Charles, Claverton and Camelia Streets, being at the rear of 27 and 29 Camelia Street.

BACKGROUND:

In 2003 the Town received a request from the residents of 27 and 29 Camelia Street for the closure and acquisition of the portion of the cul-de-sac ROW at the rear of their properties. Initial inquiries and approvals in principle have been sought so that an informed report could be prepared for the Council's consideration of the matter, however, there have been lengthy delays in receiving comments from the relevant authorities.

DETAILS:

At the rear of 27 and 29 Camelia Street is a private, unsealed, 3.4m wide cul-de-sac ROW. This section of ROW is difficult to access by vehicles due to its narrowness and geometry, being the second leg of right angle formation. Additionally, its cul-de-sac provides concealment which results in dumping and security risks for the occupants of the adjacent properties. Long grass has proliferated due to the lack of traffic, and being difficult to access, the fire risk is considerable.

All of these factors have prompted the owners of 27 and 29 Camelia Street to request that the ROW be closed. In the majority of cases, the Department for Planning and Infrastructure do not support the closure of ROWs where they may provide an access or development amenity, however, in this case, they have provided no objections.

Closure of the portion of ROW proposed, will not result in ROW access being lost by any of the surrounding properties. This is an unusual outcome resulting from the existence of a small network of ROWs that were created at the time the area was originally subdivided. In fact, 27 and 29 Camelia Street will maintain ROW access as well, regardless of the closure. The closed portion of ROW may be purchased by the property owners and would form part of the common property of the strata properties. It could then be fenced into the lots and maintained to improve both safety and security.

CONSULTATION/ADVERTISING:

Consultation requirements are set out in Section 52 of the Land Administration Act. Once the Council has approved the closure of the portion of ROW, the proposal will be advertised and submissions invited.

STRATEGIC IMPLICATIONS:

In line with Key Result Area One of the Draft Strategic Plan 2006-2011: 1.1.6 *"Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

FINANCIAL/BUDGET IMPLICATIONS:

The applicants have agreed to pay all costs involved.

COMMENTS:

The closure of this portion of ROW would result in a safer environment for the adjacent residents, without loss of amenity for any of the surrounding properties. The proposal has received "in principal" support from the Department for Planning and Infrastructure and all service providers, and if approved by the Council, will be advertised for comment before being presented to the Minister for approval.

10.2.6 Tender for Supply & Delivery of Sprinklers, Automatic Valves, Automatic Controllers & Ancillary Equipment - Tender No. 368/07

Ward:	Both	Date:	20 July 2007
Precinct:	All	File Ref:	TEN0379
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	M Rootsey; R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Total Eden for the Supply & Delivery of Sprinklers, Automatic Valves, Automatic Controllers & Ancillary Equipment in accordance with the specifications as detailed in Tender No. 368/07.

COUNCIL DECISION ITEM 10.2.6

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre was an apology until 7.27pm)

BACKGROUND:

Tenders for the Supply and Delivery of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Equipment for a three (3) year period closed at 2.00 pm on 18 July 2007 and one (1) tender was received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of the one (1) submission received from Total Eden for Tender No. 368/07 is as follows. The prices include GST.

SOLENOID VALVES	COST
<u>RAINBIRD</u>	
100DV 25mm Non tested	\$16.78
100DV 25mm Tested	\$26.62
100PEP 25mm Non tested	\$70.18
150PEP 40mm Non tested	\$110.11
200PEP 50mm Non tested	\$135.52
UNIK Latching Coil	\$44.77
UNIK Module 1 Station	\$169.40

UNIK Module 2 Station	\$242.00
UNIK Module 4 Station	\$306.13

RETICULATION CONTROLLERS	COST
<u>RAINBIRD (CHANGES MADE TO SUIT AVAILABILITY)</u>	
ESP LX 8 STN MODULAR CONTROLLER	\$302.50
ESP LX 4 STN MODULE	\$56.87

RETICULATION CONTROLLERS (cont'd)	COST
ESP LX 8 STN MODULE	\$113.74
ESP CONTROLLER 4 STN MODULAR	\$150.40
ESP 24	N/A
ESP Modular Controller	N/A
E3	N/A
E6	N/A
E9	N/A

<u>HUNTER</u>	
ProC 3stn Base Modular Controller	\$134.95
ProC 3stn module	\$35.09
ProC 9stn module	\$175.21
ICC 8stn Base Modular Controller	\$496.10
ICC 8stn Module	\$91.72
ICC 4Stn Module	\$61.68
ACC 1200 12 stn Controller	\$1276.23
ACC 6stn Module ACM 600	\$377.52
ACC 6stn Module AGM 600	\$477.17

SPRINKLERS	COST
<u>RAINBIRD</u>	
1802 Body only	\$2.29
1803 Body only	\$2.48
1804 Body only (Sam Seals)	\$3.20
1806 Body only	\$8.89
1812 Body only (Sam Seals)	\$10.89
Standard Nozzle	\$1.27
VAN Nozzle	\$1.75
5004 Full circle	\$15.58

5004	Part circle	\$15.58
3504	Full circle	\$14.94
3504	Part circle	\$14.94
R50	Full/part circle with nozzle	N/A
Falcon 6504	Full circle with nozzle	\$45.98
Falcon R6504	Part circle with nozzle	\$45.98
SPRINKLERS (cont'd)		COST
<u>Hunter</u>		
PGJ 4" Pop Up Gear Drive		\$16.15
PGP Adjustable Pop Up Gear Drive		\$16.92
120 Adjustable Pop Up Gear Drive – Plastic Riser		\$22.51
120 360 Degree Pop Up Gear Drive – Plastic Riser		\$22.52
131 Adjustable Pop Up Gear Drive – Plastic Riser		\$40.03
131 360 Degree Pop Up Gear Drive – Plastic Riser		\$40.08
141 adjustable Pop Up Gear Drive – Plastic Riser		\$73.80
141 360 Degree Pop Up Gear Drive – Plastic Riser		\$73.75
190 Adjustable Pop Up Gear Drive – Plastic Riser		\$135.08
190 Adjustable Pop Up Gear Drive – Plastic Riser		\$134.84
2" ProSpray Pop Up Sprinkler body		\$2.63
3" ProSpray Pop Up Sprinkler body		\$2.80
4" ProSpray Pop Up Sprinkler body		\$2.84
6" ProSpray Pop Up Sprinkler body		\$9.44
12" ProSpray Pop Up Sprinkler body		\$13.87
ProSpray Fixed Arc Nozzles		\$1.23
ProSpray Adjustable Arc Nozzles		\$1.75

RISERS		COST
ARTICULATED		
Size	Description	
15 mm	Artic. Risers 300mm	\$1.66
20 mm	Artic. Risers 300mm	\$2.44
25 mm	Artic. Risers 300mm	\$3.74
PIPE		
PIPE Riser MxM BSP 1/2"x 1/2x 150mm		\$0.33
PIPE Riser MxM BSP 1/2"x 1/2x 300mm		\$0.45
PIPE Riser MxM BSP 1/2"x 1/2x 450mm		\$0.92
PIPE Riser MxM BSP 1/2"x 1/2x 600mm		\$1.04
PIPE Riser MxM BSP 1/2"x 1/2x 900mm		\$1.86
PIPE Riser MxM BSP 3/4"x 3/4x 150mm		\$0.34

PIPE Riser MxM BSP 3/4" X 3/4X 300mm	\$0.55
PIPE Riser MxM BSP 3/4" X 3/4X 450mm	\$1.77
PIPE Riser MxM BSP 3/4" X 3/4X 600mm	\$2.26
PIPE Riser MxM BSP 3/4" X 3/4X 750mm	\$3.81
PIPE Riser MxM BSP 3/4" X 3/4X 900mm	\$3.59
Easy Tube 15mm X 30m	\$28.59
VALVE BOXES	
	COST
1419 12vb Bolt Box (NDS)	\$25.29
1419 (Lid only) (NDS)	\$10.65
1420 "Jumbo" Valve box (NDS)	\$81.67
1420 (Lid only) (NDS)	\$35.69
Rainbird 9/10" Round	\$12.06
SOLVENT/PRIMER	
	COST
PVC Pipe Solvent 250mm Type P	\$4.54
PVC Pipe Solvent 500mm Type P	\$8.42
PVC Pipe Primer 250mm	\$3.30
PVC Pipe Primer 500mm	\$4.48
ELECTRICAL PIT BOXES	
	COST
FCO5	\$80.22
MISCELLANEOUS	
	COST
PHILMAC BALL VALVES, THREADED SOCKETS	
Ball Valve 20mm (3/4") X 1/2" FI	\$16.36
Ball Valve 20mm (3/4") X 3/4" FI	\$16.36
Ball Valve 25mm (1") X 1" FI	\$16.89
Ball Valve 32mm (1-1/4") X 1 1/4" FI	\$26.06
Ball Valve 40mm (1-1/2") X 1 1/2" FI	\$31.39
Ball Valve 50mm (2") X 2" FI	\$39.52
NIPPLE	
Nipple BSP 1/2"	\$0.60
Nipple BSP 3/4"	\$0.88
Nipple BSP 1"	\$0.93
Nipple BSP 1 1/2"	\$1.43
Nipple BSP 2"	\$1.98
RURAL TAPPING SADDLE	
Saddle Tapping 1" X 3/4"	\$4.72
Saddle Tapping 1 1/2" X 1"	\$6.21

Saddle Tapping 2" X 1"	\$7.30
MISCELLANEOUS (cont'd)	COST
VIKING JOHNSON MAXFIT COUPLINGS	
DN80mm 3" - OD:88.1-102.4mm	\$78.51
DN100mm 4" - OD:109.6-127.8mm	\$81.81
DN100mm 4" - OD:109.6-127.8mm – Long Barrel	\$115.97
DN150mm 6" - OD:158.0-184.0mm	\$109.76
DN150mm 6" - OD:158.0-184.0mm – Long Barrel	\$161.80

**WARRANTY PROVISIONS FOR ABOVE ITEMS - 12 MONTHS
MAXIMUM DELIVERY TIMES FOR PLACEMENT OF ORDER - 24 HOURS**

Tender Evaluation

Selection Criteria

The following weighted criteria were used for the selection of the company to supply and deliver the products as specified.

CRITERIA		WEIGHTING
1	Past experience in similar in provision of products/services	20%
2	Organisational structure/capacity/resources	20%
3	Contract Price	35%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
TOTAL:		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Acting Director Technical Services, Craig Wilson, Manager Financial Services, Bee Choo Tan, and Manager Parks Services, Jeremy van den Bok.

The tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	Total Eden
Past experience in provision of products/services (20)	20
Organisational structure/capacity/resources (20)	20
Contract Price (35)	35
Compliance with Tender Specification (15)	13.5
Financial Capacity (5)	2.5
References (5)	5
Total	96
Ranking	1

Total Eden has held this contract with the Town previously and is one of the major distributors in Western Australia of sprinklers, valves, controllers and other irrigation equipment required by the Town. The company have excellent references and hold major contracts with numerous other local governments providing similar products.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area, this would fall into the general category in the Town's Strategic Plan 2006-2011 Key Result Area One: *1.1.6 "Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the purchase of these products for ongoing maintenance are charged to the respective parks maintenance accounts as/when required. Where these products are required due to redevelopment of existing or new works being undertaken, the costs are charged to a specific capital works account.

COMMENTS:

It is therefore recommended that the Council accepts the tender submitted by Total Eden for the Supply and Delivery of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Equipment in accordance with the specifications as detailed in Tender No. 368/07.

10.2.7 Tender for Supply & Delivery of UPVC Pressure Pipes - Tender No. 367/07

Ward:	Both	Date:	20 July 2007
Precinct:	All	File Ref:	TEN0378
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	M Rootsey; R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Total Eden for the Supply and Delivery of UPVC Pressure Pipes in accordance with the specifications detailed in Tender No. 367/07.

COUNCIL DECISION ITEM 10.2.7

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre was an apology until 7.27pm)

BACKGROUND:

Tenders for the Supply and Delivery of UPVC Pressure Pipes for a three (3) year period closed at 2.00 pm on 18 July 2007 and one (1) tender was received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of the submission received from Total Eden for Tender No. 367/07 is as follows. The prices include GST.

UPVC PRESSURE PIPES TO AS1477

Pipe Nominal Dia	Class 9	Class 12	Class 18
15mm	N/A	N/A	\$7.34
20 mm	N/A	\$6.09	\$10.55
25 mm	\$7.80	\$11.35	\$14.02
32 mm	\$17.22	\$21.40	\$33.24
40 mm	\$15.74	\$22.87	\$34.73
50 mm	\$23.27	\$26.03	\$48.22
65 mm	N/A	\$67.08	N/A

80 mm	\$49.26	\$61.94	\$124.51
100 mm	\$64.60	\$86.77	\$155.51
125 mm	N/A	N/A	N/A
150 mm	\$109.46	\$140.15	N/A
175 mm	N/A	N/A	N/A
200 mm	\$220.24	\$300.33	N/A
300 mm	N/A	N/A	N/A

PRESSURE PIPES AS AS2977-1988

Pipe Nominal Dia	Rubber Ring PVC (CL9)	Cost Class 12 12 months (CL12)
80 mm	\$48.73	\$67.30
100 mm	\$56.07	\$77.42
150 mm	\$109.45	\$140.15
200 mm	\$220.24	\$300.23

Rural Poly	Cost	Length
1 "	\$191.74	200m
1¼" Inch	\$196.95	150m
1½" Inch	\$267.17	150m
2" Inch	\$293.12	150m

Electrical Conduit (HD Orange)	Cost per 4m Length
20mm	\$4.44
25mm	\$6.70
32mm	\$8.74
40mm	\$13.65
50mm	\$18.69
80mm	\$41.69

Note: Cost is per 4m lengths

Tender Evaluation

Selection Criteria

The following weighted criteria were used for the selection of the company to supply and deliver the products as specified.

CRITERIA		WEIGHTING
1	Past experience in similar in provision of products/services	20%
2	Organisational structure/capacity/resources	20%
3	Contract Price	35%

4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
TOTAL:		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Acting Director Technical Services, Craig Wilson, Manager Financial Services, Bee Choo Tan, and Manager Parks Services, Jeremy van den Bok.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	Total Eden
Past experience in provision of products/services (20)	20
Organisational structure/capacity/resources (20)	20
Contract Price (35)	35
Compliance with Tender Specification (15)	13.5
Financial Capacity (5)	2.5
References (5)	5
Total	96
Ranking	1

Total Eden has held this contract with the Town previously and is one of the major distributors in Western Australia of irrigation pipes and fittings. The company have excellent references and hold major contracts with numerous other local governments providing similar products.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area, this would fall into the general category in the Town's Strategic Plan 2006-2011 Key Result Area One: *1.1.6 "Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the purchase of these products for ongoing maintenance are charged to the respective parks maintenance accounts as/when required. Where these products are required due to redevelopment of existing or new works being undertaken, the costs are charged to a specific capital works account.

COMMENTS:

It is therefore recommended that the Council accepts the tender submitted by Total Eden for the Supply and Delivery of UPVC Pressure Pipes in accordance with the specifications as detailed in Tender No. 367/07.

10.3.2 Authorisation of Expenditure for the period 1 June to 30 June 2007

Ward:	Both	Date:	18 July 2007
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 June 2007 to 30 June 2007 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

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 "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
-------------------------	----------------	---------------------------

Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 June 2007 to 30 June 2007.

BACKGROUND:

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Item 13 of the Local Government (Finance Management) Regulations 1996.

DETAILS:

The Schedule of Accounts to be passed for payment covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$1,871,837.64
Total Municipal Account		\$1,871,837.64
Advance Account		
Automatic Cheques	59037-59041, 59043-59060, 59070-59277, 59279, 59281- 59362, 59365-59406	\$6,183,762.75
EFT Batch		
Municipal Account		
Transfer of Creditors by EFT Batch	665-668, 670-675, 677	\$6,183,762.75
Transfer of PAYG Tax by EFT	June 2007	\$257,902.80
Transfer of GST by EFT	June 2007	\$0.00
Transfer of Child Support by EFT	June 2007	\$964.99
Transfer of Superannuation by EFT:		
• City of Perth	June 2007	\$69,479.45
• Local Government	June 2007	\$145,404.40
Total		\$7,373,025.02
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$2,330.39
Lease Fees		\$1,617.12
Corporate Master Cards		\$7,425.13
Australia Post Lease Equipment		\$0.00
Trace Fees		\$36.00
Loan Repayment		\$34,834.68
Rejection Fees		\$17.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$46,224.82
Less GST effect on Advance Account		-\$161,740.00
Total Payments		\$9,129,347.48

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Key Result Area 4.2 – Governance and Management

“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.”

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

Vouchers, supporting invoices and other relevant documentation are available for inspection by Councillors at any time following the date of payment and are laid on the table.

10.3.4 Annual Plan - Capital Works Programme 2007/08

Ward:	Both	Date:	31 July 2007
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicker, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the 2007/08 Capital Works Programme as shown in Appendix 10.3.4.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF REPORT:

To present the Annual Plan and Schedule for the Capital Works Programme 2007/08 for Council approval.

BACKGROUND:

At the Special Meeting of Council held on 10 July 2007, Council adopted the Annual Budget 2007/08.

DETAILS:

The Capital Works Programme now forms part of the Annual Plan for the Town of Vincent. The Directors and Managers from the three Directorates have formulated the attached Capital Works Programme. The Program comprises of \$24.1 million of Capital Works.

The programme takes into consideration the following factors;

1. budget/funding;
2. existing workload commitments of the workforce;
3. consultation requirements;
4. liaison with other agencies/service areas;
5. employee leave periods; and
6. festive season leave period.

COMMENT:

N/A

LEGAL/POLICY:

The Capital Works Programme has been prepared on the adopted 2007/08 Annual Budget.

STRATEGIC IMPLICATIONS:

The Capital Works Programme is in line with the objectives, strategies and actions as outlined in the Town's Plan for the Future and Strategic Plan 2006-2011.

FINANCIAL/BUDGET IMPLICATIONS:

The Capital Works programme is funded in the Annual Budget 2007-08.

COMMENTS:

The scheduling of projects may change during the year due to a variety of factors. However, the Capital Works Program will be initially implemented on the basis of the timing as outlined in the attached program.

Quarterly progress reports on the Capital Works Program will be prepared for Council throughout the year.

The projects listed will ensure the Town's infrastructure continues to be upgraded, resulting in an improved amenity for the community.

10.3.5 Robertson Park Tennis Centre – Lease

Ward:	South Ward	Date:	1 August 2007
Precinct:	Hyde Park Precinct	File Ref:	RES0024
Attachments:			
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES a five (5) year lease with a five (5) year option to the Tennis Seniors Western Australia for the premises located at Robertson Park Tennis Centre comprised of Part PTL Y245 the subject of Diagram 8847, PTL Y230 and Y234 and Parts PTL Y241, Y242, Y244 as comprised in Part of Certificate of Title Volume 1077 Folio 518 and Part Reserve 21 being the whole of PTL Y232 at a basic lease fee of \$1,000 per annum (indexed to CPI); and*
- (ii) *AUTHORISES;*
 - (a) *the Chief Executive Officer to finalise the Lease Terms and Conditions; and*
 - (b) *the Mayor and Chief Executive Officer to sign the Lease and affix the Council’s Common Seal.*

COUNCIL DECISION ITEM 10.3.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF REPORT:

To report on the details of the current Lessee of Robertson Park Tennis Facility, Tennis Seniors Western Australia, in regard to their request to for another five (5) year lease with five (5) year option to be assigned to them.

BACKGROUND:

Tennis Seniors Western Australia (formerly Veterans Tennis Association of WA Inc) has leased the Robertson Park Tennis Facility since 1 September 1997. The lease, which was for five (5) years with a five (5) year option to renew period, will expire on 31 August 2007. The Lessee has requested that a another five (5) year lease with five (5) year option been granted which will be from 1 September 2007 until 31 August 2012 and with a five (5) year option 1 September 2012 until 31 August 2017.

DETAILS:

Tennis Seniors Western Australia has leased the Robertson Park Tennis Facility since 1 September 1997 and has proven to be an excellent tenant. During their tenancy they have

contributed significant club funds towards a number of projects at the facility. These include the upgrade of the clubhouse, the upgrade of lighting and the construction of new hard courts. Tennis Seniors have recently prepared a five (5) year plan to improve court utilization and resurface the existing synthetic courts. Due to the high standard of the facilities at Robertson Park they have been used for the ITF World Seniors events in 2002, 2003, 2005 and 2007. The credit for the standard of the facilities is shared between the Town of Vincent, Tennis Seniors Western Australia and the Department of Sport and Recreation.

There are currently 841 members of Tennis Seniors Western Australia and the financial statements for the past three (3) financial years, which were requested from them as part of the lease assignment process, indicate that the club is in a sound financial position. The original lease payment of \$2,641.27 per annum was waived in favour of a peppercorn lease to enable the Tennis Seniors Western Australia allow them to establish themselves financially and ensure their long term viability. The Club is currently being well managed and work sound financial position, it is therefore appropriate to consider that the Town receives a small return for the lease and the property. It is therefore recommended that a lease fee of \$1000 per annum be introduced.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Policy No. 1.2.1

- “1. Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 – 2011 – Strategic Objectives: Community Development

“Objective 2.1 Progress economic development with adequate financial resources

2.1.6 Develop business strategies that reduce reliance on rates revenue

- (a) Review leases and commercial contracts to ensure the best return for the Town, whilst being cognisant of its community service obligations.”*

FINANCIAL/BUDGET IMPLICATIONS:

The Tennis Seniors Western Australia currently pays a peppercorn rental of \$1 per annum. As result of the sound financial and operation position of the club and the Town’s Strategic Plan objections. It is now recommended that a lease fee of \$1000 per annum be introduced this lease period and lease to be indexed by the Perth CPI figures on the anniversary date of the lease.

COMMENTS:

Tennis Seniors Western Australia have been an excellent tenant for the past ten (10) years and a further five (5) year term with five (5) year option is recommended. The considerable expense of the various refurbishment and upgrade works (to which the Town and other bodies contributed) highlights the long term commitment the club has towards the Robertson Park Tennis facility. Tennis Seniors Western Australia is in sound financial position and operating efficiently, it is recommended that the introduction of a lease fee of \$1000 can be supported.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	8 August 2007
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report, for the month of July 2007.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
3/07/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Football West Ltd of PO Box 214, Maylands WA 6931 re: Football West Training Sessions on 4 July and 9 July 2007 (Change Rooms 1 and 2 and Pitch)
18/07/07	Contract of Employment	3	Town of Vincent and Mr Michael John Gerald Rootsey, Director Corporate Services effective from 1 July 2007
18/07/07	Contract of Employment	3	Town of Vincent and Mr Robert Eric Boardman, Director Development Services effective from 1 July 2007

Date	Document	No of copies	Details
18/07/07	Contract of Employment	3	Town of Vincent and Mr Richard Peter Lotznicker, Director Technical Services effective from 1 July 2007
18/07/07	Contract of Employment	3	Town of Vincent and Mr Con Economo, Manager Engineering Services effective from 1 July 2007
23/07/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Hyundai Function - 24 July 2007 (Gareth Naven Room)
23/07/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Unions WA - 26 July 2007 (Gareth Naven Room, Members Equity Bank Lounge and Suite No. 10)
30/07/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Independent Education Unions Event - 31 July 2007 (Gareth Naven Room and Glory Lounge)
30/07/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Football West Event - 3 August 2007 (Gareth Naven Room)
30/07/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Western Power Events - 7, 14, 21, 22, 23 August 2007; 4, 5, 6, 19, 25, 26, 27 September 2007; 9, 10, 11, 23, 24, 25 October 2007; 6, 20 November 2007 and 4 December 2007 (Gareth Naven Room, Glory Lounge, Suite No. 10 and 11)
30/07/07	Contract of Employment	3	Town of Vincent and Mr Hunrhu Kek, Manager Information Technology, effective from 30 July 2007
1/08/07	Contract of Employment	3	Town of Vincent and Mr John Giorgi JP, Chief Executive Officer, effective from 1 July 2007
1/08/07	Restrictive Covenant	3	Town of Vincent and M C Sipe and D C Rhodes of 503 Fitzgerald Street, North Perth re: No. 503 (Lot 801 D/P 44862) Fitzgerald Street, North Perth - <i>As per the WAPC's conditional survey strata subdivision letter dated 22 May 2006, the Restrictive Covenant as per Condition 11 is to state as follows: "No new development shall occur within 0.485m of the right-of-way abutting the boundary of the lots to accommodate widening of the right-of-way should it be required in the future."</i>
1/08/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and The Frontier Touring Co. Pty Ltd of 135 Forbes Street, Woolloomooloo, NSW 2011 re: The Police World Tour Concert - 1 February and 2 February 2008 (Stadium)

Date	Document	No of copies	Details
1/08/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Perth Glory Partnership of PO Box 8438, Perth Business Centre, Perth WA 6849 re: Perth Glory - Hyundai A-League Pre-Season and Season Fixtures/Perth Glory State, National and International Fixtures or Friendlies/Training/Functions/Press Conferences from 1 May 2007 to 30 June 2010, Option from 1 July 2010 and terminating on 30 June 2013, subject to agreement of Licence Fees that will take into consideration industry benchmarks (Stadium)
1/08/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Western Australian Rugby Union (Inc) of Meagher Drive, Floreat WA 6014 re: Rugby WA Events, including fixtures, training, captain's runs and media conferences from 1 May 2007 to 30 June 2010 (Stadium)
1/08/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Western Australian Rugby League (WARL) of Members Equity Stadium, 310 Pier Street, Perth 6000 re: WARL Events, from 1 May 2007 to 30 June 2010, Option from 1 July 2010 and terminating on 30 June 2013, subject to agreement of Licence Fees that will take into consideration industry benchmarks (Stadium)
2/08/07	Scheme Amendment Documents	3	Town of Vincent - Town Planning Scheme No. 1 - Amendment No. 24, Scheme Amendment Documents - Adopted at the Ordinary Meeting of Council held on 24 July 2007 - Proposal, To delete the following clauses: "(a) 20)4)c)ii) - After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct" and, (b) 20)4)h)i) - After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct"..
6/08/07	Contract of Employment	3	Town of Vincent and Mrs Alison Kaye Giles, Manager Health Services, effective from 13 August 2007

10.4.3 Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 17

Ward:	South	Date:	8 August 2007
Precinct:	Oxford Centre; P4	File Ref:	RES0061
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 17 as at 8 August 2007, relating to the Loftus Centre Redevelopment, 99 Loftus Street, Leederville; and*
- (ii) *NOTES that the internal colour scheme will be presented to the Ordinary Meeting of Council to be held on 28 August 2007.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF THE REPORT:

The purpose of the report is to update the Council on the progress of the Loftus Centre Redevelopment, 99 Loftus Street, Leederville, as at 8 August 2007.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 January 2007, the Council considered this matter and resolved to award the building tender to Perkins Builders and for the project to proceed.

PROGRESS OF WORKS

Documentation

1. Belgravia Leisure Group Pty Ltd (Belgravia) - Lease and Contract

The Contract and Lease were signed on 23 February 2007 and is still with the Minister for Lands, awaiting consent (as the Loftus land is a Reserve - vested in the control of the Town).

2. Gymnastics WA- Lease

This lease was signed on 16 March 2007 and is still with the Minister for Lands awaiting consent.

Landgate has requested the Town to review the Leederville Oval Reserve cadastral layout and provide comment. This is being carried out and meetings are still being held. A surveyor has now been engaged to prepare the necessary plans and these are being refined for the approval of Landgate. It is anticipated that this will be finalised by late 2007.

Program and Progress

Regular site meetings between the Builder, Consultants, Architect and Town are being held. In addition, site inspections are carried out on a weekly basis and as required. Contact with the Site Supervisor, Architect and Consultants is occurring on a daily basis.

The Builder has advised that they are slightly ahead of target with the specified program at this stage, despite a delay with the recent wet weather.

No claims have been submitted by the Builder for extension of time due to inclement weather as yet, however it is expected that a claim will be submitted.

Architectural Services

The construction drawings have been provided and are updated where necessary. Shop drawings are prepared as required.

The Architect has submitted information and costs for the internal works (e.g. built-in furniture) and these are being costed.

Construction - (See Photographs attached)

The earthworks are almost completed. The sand on the site will be used to fill areas and adjust the soil levels. Retaining walls fronting Leederville Oval have been completed, other than cladding. Work has commenced on the walkway between the Centre and the Leederville Early Childhood Centre and this is awaiting the retaining walls to be erected.

The underground car park and footings for the Library have been completed. Tilt side panels are in place.

A costing has been requested from the Builder's stonemason for the completion of the public open space works immediately adjoining Leederville Oval. Cost savings are expected to be achieved by using the same Contractor. A cost is being finalised.

Rhythmic Gymnastics Hall

The roof has been completed. Internal painting of roof purlins is approximately 50% completed. Internal cladding and integration t the existing building is being carried out.

A costing of the internal cladding of the face brickwork and painting of colorbond material is being obtained.

Internal Fit-out

The new Board Room inside the Recreation Centre has been 90% completed. Work on the Gymnastics WA offices is expected to commence in the next 2-3 weeks.

Colour Scheme

The external colour scheme was approved at the Ordinary Meeting of Council held on 24 July 2007. The internal colour scheme is currently being compiled. Several meetings with the Library, Community Centre and Belgravia have been held. A meeting with Rhythmic Gymnastics will be held in the next few weeks (due to their unavailability). A report will now be submitted to the Ordinary Meeting of Council to be held on 28 August 2007 for approval.

External Soccer Pitch

Brickwork and drainage have been completed. Pouring of the concrete floor is dependent upon fine weather.

Library and Local History Centre

Internal brickwork has commenced and at the time of writing this report was 45% completed.

All going well, it is highly likely that the Library and Local History Building will be handed over to the Town just prior to the Christmas 2007 break, however this is now largely dependent upon some of the finishing trades being available at the critical times.

Structural and Civil Engineering

The tilt up panels for the Rhythmic Gymnastics Centre have been erected. The roof structural beams and purlins have been erected. Roof sheeting has been completed.

The steel structural beams for the Library have been erected and completed. Structural beams for the main sports hall have been delivered and erection commenced. Roof sheeting to be installed in mid-August. (Approximately 25% completed.)

Hydraulic Services

The installation of the Fire Service ring main around the building has been completed. The portion in the staff car park is now completed. Back filling around the retaining walls has been completed. A fire booster box has been ordered and will be installed by late August.

Electrical Services

Conduits and preliminary cables have been installed. Selection of light fittings is being carried out, including a costing to replace existing lighting fittings which have been damaged from indoor soccer balls.

Mechanical Services

A Mechanical Services Contractor has been appointed. An assessment of the existing roof units has been carried out. These are at the end of their life and will be replaced as part of the project. New units have been ordered and are currently being installed. Repairs to the existing roof sheeting has also been carried out.

Public Art and Landscape Plan

An in-house Working Group has been formed to progress public art for this project. Several meetings have been held. The Architect has also been requested to provide examples of integrating art into the building fabric (e.g. floors, walls, features). A further report will be submitted to the Council in late 2007.

The Town's Technical Services have commenced work on the Landscape Plan.

Matters still to be addressed

Options to minimise the Operating Deficit

The Council requested a report on the findings to minimise the operating deficit to be submitted, however due a lack of resources, investigation of this matter is still in a preliminary stage. Cost options currently being explored include;

- Investigation of energy efficient fixtures and fittings, e.g. lights, hot water, air conditioning;
- Investigation of introduction of costs, e.g. Library coffee vending machine;
- Investigation of sponsorship, including naming rights, external signage on the Recreation Centre facing Leederville Oval (a verbal offer of \$20,000 per year for a large sign has been indicatively proposed);
- Investigation of Government grants and funds, e.g. Healthways, Lotteries, Heart Foundation, State Library Services;

Comment:

This matter is still being progressed, however due to a lack of resources and a heavy workload, slow progress is being made.

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable. The Town's Public Relations Officer has created a "Corporate Projects" site on the Town's web page and background information, together with weekly photographs are included on this site. The web-site is being updated on a regular basis.

LEGAL/POLICY IMPLICATIONS:

N/A.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2006-2011, Objective 1 - "*Natural and Built Environment*", in particular, 1.1.6(j) - "*Carry out redevelopment of the Loftus Centre....*".

FINANCIAL/BUDGET IMPLICATIONS:

At the Ordinary Meeting of Council held on 23 January 2007, the Council approved this project at a cost of \$13,444,664. The building tender is \$11,901,664 (excluding GST).

Builder Progress Claim Payments - Corrected as at 13 August 2007

Progress Payment Number	Date Received	Amount Requested (<i>excl GST</i>)	Amount Paid (<i>excl GST</i>)	Date Paid
No. 1	17/04/07	\$247,568.00	\$247,568.00	26/04/07
No. 2	16/05/07	\$979,312.00	\$979,312.00	22/05/07
No. 3	18/06/07	\$1,158,441.86	\$1,158,441.86	25/06/07
<u>No. 4</u>	<u>16/07/07</u>	<u>\$1,179,868.00</u>	<u>\$1,179,868.00</u>	<u>26/07/07</u>
<u>No. 5</u>	<u>10/08/07</u>	<u>\$1,145,259.00</u>	<u>\$1,145,259.00</u>	<u>.....</u>

To date, no major cost variations have been submitted by the Builder.

Sub-Consultant Payments

Payments to the various sub-consultants have been progressively made. No additional costs have been claimed.

COMMENTS:

It is pleasing to report that good progress is still being made with the Loftus Centre Redevelopment Project and no major problems have occurred or been identified at this stage. The builder has been most accommodating and has worked with the Town's Officers and the Recreation Centre and Community Centre staff to minimise inconvenience.

Monthly progress reports will be provided to the Council as the project progresses.

10.4.5 Strategic Plan 2006-2011 – Progress Report for the Period 1 April 2007 – 30 June 2007

Ward:	Both	Date:	8 August 2007
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Directors		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2006-2011 for the period 1 April 2007 – 30 June 2007 as shown in Appendix 10.4.5.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 April to 30 June 2007.

DETAILS:

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council adopted a Plan for the Future at the Ordinary Meeting of Council held on 21 November 2006. The Town’s Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered “Best Practice” management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2006 – 2011.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

10.4.6 Approval of Survey for Proposed Name Change for Glendalough

Ward:	North	Date:	8 August 2007
Precinct:		File Ref:	ADM0075
Attachments:	001 ; 002		
Reporting Officer(s):	N Greaves, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **APPROVES;**

(a) *the carrying out of a survey of affected owners and occupiers in the Glendalough and Mount Hawthorn areas to ascertain the level of support for the part of Glendalough now within the Town's boundaries (Appendix 10.4.6A) to be changed to "Mount Hawthorn" at an estimated cost of \$12,500; and*

(b) *the survey form, as shown in Appendix 10.4.6(B); and*

(ii) **AUTHORISES;**

(a) *the Chief Executive Officer to conduct the survey and report the findings to the Council; and*

(b) *the Mayor and Chief Executive Officer to meet with the Minister for Land Information.*

COUNCIL DECISION ITEM 10.4.6

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF THE REPORT:

The purpose of the report is for Council to approve of the carrying out of a survey of affected owners and occupiers in the Glendalough and Mount Hawthorn areas to ascertain the level of community support for the part of Glendalough now within the Town's boundaries to be considered for a name change to "Mount Hawthorn" in accordance with the Principles, Guidelines and Procedures of the Geographic Names Committee.

BACKGROUND:

On 1 July 2007, the Town's boundaries were extended to include a part of Glendalough east of the Mitchell Freeway, as shown in the attached plan - see Appendix 10.4.6(A). The precise area specified by the Department of Local Government is as follows;

"An area of approximately 34 hectares comprising all that portion of land bounded by lines starting from the intersection of the centreline of Powis Street with the centreline of the Perth-Currambine Railway, a present north-western corner of the Town of Vincent, and extending generally north-westerly along the centreline of the Perth - Currambine Railway to a southern side of Scarborough Beach Road; thence generally easterly along sides of that road to the prolongation northerly of the western boundary of Lot 417, as shown in Plan 1939, a present north-western corner of the Town of Vincent, and thence southerly, generally south-westerly, easterly, again southerly, north-westerly, south-westerly, generally north-westerly and again south westerly along boundaries of that town to the starting point."

One of the overriding arguments for the Minister of Local Government approving the expansion proposal was the overwhelming support of Glendalough property owners and residents to have the area transferred to the Town. A significant number of property owners in the Glendalough area lent their support to the boundary proposal by signing petitions, making submissions to the inquiry, door-knocking and generating community support.

An aspect of the boundary change that was important to a number of people was the possibility of having the name of this part of Glendalough changed to Mount Hawthorn. The Town indicated to the Glendalough owners that it would investigate the issue in the event that the boundary proposal was successful. A discussion paper (attached) has been prepared to fulfil the requirements of the Geographic Names Committee procedures for proposing a locality name change. The discussion paper outlines the process and highlights some of the possible benefits and disadvantages of a name change for both Glendalough and Mount Hawthorn residents and ratepayers. The paper includes a survey form to gauge the level of support from the affected community on the possibility of proposing a name change for the Glendalough area.

Principles, Guidelines and Procedures

The Geographic Names Committee document "Principles, Guidelines and Procedures" outlines the following (bold added):

"1. Guiding Principles of Nomenclature

- *New names and changes of names shall have strong local community support.*
- *Names in public use shall have primary consideration.*
- *Name duplication and dual naming should be avoided, especially those in close proximity.*
- *Names of living individuals should be used only in exceptional circumstances.*
- *Names characterised as follows are to be avoided, where possible: incongruous; given and surname combinations; qualified names; double names; corrupted, unduly cumbersome, obscene, derogatory or discriminating names; and commercialised names.*
- *Preferred sources of names are: descriptive names appropriate to the features, pioneers, war casualties and historical events connected with the area, and names from Aboriginal languages currently or formerly identified with the general area.*

- *Generic terms must be appropriate to features described.*
- *New names proposed must be accompanied by exact information as to location, feature identification, origin, or **if alteration is proposed, by a rationale.***
- *The use of the genitive apostrophe is to be avoided (e.g. Butcher's).*
- *Hyphenated words in place names shall only be used where they have been adopted in local usage. (e.g. City of Kalgoorlie-Boulder)*

2. **Guidelines**

Locality Names and Boundaries

Locality Size

- **Urban**
*Minimum size of localities to be 100ha.
Minimum number of available lots to be 1000 and maximum to be 10,000.
Ideal size to be approximately 500ha.*
- **Rural**
*Minimum size of localities to be 1000ha.
Ideal size to be 2500ha.
No maximum size.*

Locality Boundaries

Boundaries to be established in accordance with the following:

*Natural boundaries i.e. rivers, shorelines, creeks.
Centreline of major highways, divided carriageways, other roads, railways.
Local government boundaries.*

Boundaries currently along the back of lots facing a road are to be maintained where it is relevant to postal deliveries or where residents and local government currently accept such boundaries and do not desire a change.

Locality Names

Names for new localities or changes of names to preferably have an Australian emphasis and to be selected from the following categories:

- a) *Name associated with the area:*
- *Aboriginal - feature or descriptive.*
 - *Locational or descriptive name.*
 - *Pioneer settler of the area.*
 - ***Early property name.***

b) *Name associated with the development of the state:*

- *Statesman or former politician.*
- *Other e.g. ship, event, etc.*

c) *Other choice of name:*

- *Flora or Fauna Association.*

*Localities may **not** be named in honour of someone still living.*

3. **Renaming Localities**

Renaming proposals submitted to the Geographic Names Committee, which conform to the preceding guidelines, are likely to succeed only if there are sound reasons for a change. The proposal must have some of the following typical requirements:

- *The proposal is **supported by a broad-based community survey indicating very strong community support for the name change.***
- *The proposal has **strong local government support.***
- *The proposal is to **rename all or part of a locality before urban development occurs.***
- *The proposal is based on a **locality being divided** by a newly constructed major road or railway.*
- *The current name can be easily confused with another name, has mail delivery or emergency services problems.*
- *The proposed name has some **long-standing association with the locality.***
- *The **proposal is based on a change to local government boundaries.***

Renaming proposals submitted to the Geographic Names Committee, which conform to the preceding guidelines, are unlikely to succeed if:

- *The proposal seeks to adopt a developer's inappropriate name coined to promote a development.*
- *The proposed name has no relationship to the area or is a made up name.*
- *The proposed name is duplicated or similar in spelling or sound to an existing Western Australian town or locality name.*
- ***Petitions presented in support only present one point-of-view.***
- *The proposal is not supported by local government.*
- ***The proposal does not have strong local community support.***

4. **Procedures**

Naming of Towns and Localities

*The naming of towns and localities should conform to the relevant policy. **Submissions are always made by local government who normally will seek community support for a proposal. Accurate mapping details are essential for all such proposals.***

Changes of Names

*The changes of names of roads, localities and features should conform to the relevant policy and in addition, **should have broad community support**. Road name changes should have the support of those residents affected by the name change. **Proposals require the support of local government**, but the Minister for Land Information is the final authority in all such matters. It is **incumbent on local government to ensure there is community support for a change of name**. Non-essential road name changes also incur a service charge."*

Note:

The Landgate Geographic Names Committee document "Principles, Guidelines and Procedures" states:

"Above all else, geographic names are essentially a local community issue. When allocating a new name or changing an existing one the Committee will ensure the local community is extensively consulted to determine their view before any recommendations are made."

Indicative Timeline

Survey of affected Ratepayers	August - September 2007
Closing date for Submissions	28 September 2007
Compilation of report to Council	October 2007
Submission to Geographic Names Committee (GNC)*	December 2007
Evaluation and determination by GNC	December 2007
Notification to Town	10 days after the meeting
Notification of affected Agencies (if successful)	

* *Subject to community support.*

CONSULTATION/ADVERTISING:

The area of Glendalough (east of the Mitchell Freeway) and the suburb of Mount Hawthorn will be consulted by a Survey Form.

LEGAL/POLICY:

At the Ordinary Meeting of Council held on 27 February 2007, the Council resolved inter alia as follows;

"(v)(b) APPROVES of the name change from Glendalough to Mount Hawthorn, if the survey is in favour of the name change."

Responsibility for the naming of roads, features, town sites and places in Western Australia resides with the Minister for Land Information. The Geographic Names Committee is charged with providing advice to the Minister on geographical name issues. The Geographic Names Committee is served by a Secretariat provided by the Information Services Division of LANDGATE. The Secretariat serves the needs of the real estate, Local Government and mapping industries for names and maintains a computer database 'GEONOMA' that holds essential information on all named roads and places in the State.

The Geographic Names Committee was established by the Minister and represents many different points of view, from local communities to professional institutions and government agencies within Western Australia. It provides an inexpensive mechanism to make democratic naming decisions for the State Government and at present, is comprised of representatives of the following organisations:

- Department of Indigenous Affairs
- State Records Office
- Main Roads Western Australia
- Western Australian Local Government Association (2 representatives)
- Australia Post
- Urban Development Institute of Australia (WA Division) Inc.
- Department of Industry and Resources
- Fire and Emergency Services Authority
- LANDGATE - Chairman.

Submissions for name changes need to be directed to the Secretary of the Geographic Names Committee.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2006-2011 - Key Result Area 3.1.3 - *"Determine the requirements of the community."*

FINANCIAL/BUDGET IMPLICATIONS:

The indicative costs are:

Postage	\$5,000
Printing	\$3,500
Stationery	\$2,000
Advertisements	\$2,000
Total	\$12,500

COMMENTS:

In order to progress a suburb name change for the part of Glendalough now within the Town's borders, it is necessary for the Town to survey affected owners to ascertain the level of support for a name change from Glendalough to Mount Hawthorn (owners and occupiers in Mount Hawthorn and the part of Glendalough within the Town would need to be surveyed).

Subject to the survey indicating that there is strong community support for the proposed name change, the Town would need to present a report referring to the guidelines above i.e. locality size, boundaries, names (historical/heritage argument could be made under this section) etc and formally advise the Committee of the Town's support of the change and its rationale. Inclusion of historical information, maps etc would supplement the report.

Approval to conduct the survey is therefore requested.

10.4.7 Consideration of Submissions relating to Policy No. 2.1.4 - Verge Treatments, Plantings and Beautification and Street Tree Management Plan

Ward:	-	Date:	8 August 2007
Precinct:	-	File Ref:	ADM0023
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ADOPTS Amended Policy No. 2.1.4 - Verge Treatments, Plantings and Beautification (and associated Guidelines, Specification and Procedures) and the Street Tree Management Plan, subject to the following amendments;

1. Street Tree Management Plan:

(i) *amend clause 8(c) to read as follows;*

"(c) Where tree removals are proposed;

(a) residents in the immediate vicinity will be notified (informed) prior to the removal, where the tree is dead or severely damaged/deteriorated;

(b) residents in the immediate vicinity will be consulted prior to the decision being made, where the tree is healthy;"

(ii) *amend clause 8.2(d)(iii) to read as follows;*

"(d)(iii) where approval is given to remove a street tree, the cost as determined by the Manager Parks Services, shall be paid in advance by the applicant;"

(iii) *amend clause 8.2(d)(iv) to read as follows;*

"(d)(iv) where a tree is to be removed, a suitable replacement, as determined by the Manager Parks Services, be planted at the cost of the applicant. A replacement tree will, where practicable, be of similar size as the tree that is removed;"

(iv) *amend clause 8.2(e) to read as follows;*

"(e) Owing to the hazardous nature of the task and Heritage potential underground services, residents/occupants will not be granted permission to remove trees within the road reserve";

2. Guidelines for Policy 2.2.4 Verge Treatments, Plantings and Beautification:

(i) *amend clause 1.3 to read as follows;*

"The nominated plant species should not be prickly, have spines or be known to be poisonous or cause allergic reactions. They should not have fruit which, if shed would cause a hazard to pedestrians. ~~Vegetable gardens are not permitted.~~ The approval of the Town is required, prior to a vegetable garden being established on the verge. Such garden shall be free of garden stakes, fixtures or fittings which in the opinion of an Authorised Person are a hazard to the public or have the potential to cause an injury."

- (ii) *delete clauses 4.8(i)-(v) and inserting the following in their place;*

"The parking of vehicles on verges shall be in accordance with the Town's Local Law relating to Parking and Parking Facilities."

COUNCIL DECISION ITEM 10.4.7

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the submission that was received at the conclusion of the public consultation period for the new Policy relating to Verge Treatments, Plantings and Beautification and the Street Tree Management Plan.

BACKGROUND:

At the Ordinary Meeting of the Council held on 22 May 2007, the Council considered the matter and resolved inter alia as follows:

"That the Council; ...

- (iv) *APPROVES to adopt the:*

(a) *following new Policies as shown in Appendix 10.4.3:*

(1) *No. 2.1.2 – Street Trees; and*

(2) *No. 2.2.4 – Verge Treatments, Plantings and Beautifications;*

(b) *Street Tree Management Plan 2007;*

- (v) *AUTHORISES the Chief Executive Officer to:*

(a) *advertise the proposed new Policies and the Street Tree Management Plan 2007 for a period of four weeks, seeking public comment;*

(b) *report back to Council with any submissions received; and*

(c) *include the proposed policies in the Town's Policy Manual, and implementation of the Street Management Plan 2007 if no public submissions are received; ... "*

DETAILS:

A review of all the local laws has been carried out by the Town's officers. The Town has used the Western Australian Local Government Association's (WALGA's) Model Local Laws and modified them to suit the Town's requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government's local laws. A number of Council policies were also reviewed as part of the process.

At the close of the consultation period, one submission was received as follows;

Cr Dudley Maier, Chatsworth Road, Highgate:

"I had intended to move some amendments to the "Street Tree Management Plan" and the guidelines for Policy 2.2.4 "Verge Treatments, Plantings and Beautification" when they were discussed at Council on 22 May but did not get around to it.

I would therefore like to make the following submission on these two 'policies'.

Whilst going through the "Street Tree Management Plan" last night I discovered a typo which was introduced between when the document was approved and when it was put on the web. The document which was approved by Council had clause 8.2 (e) on page 7 which had the words "and potential underground services" inserted. These words were replaced by the word 'Heritage' in the version that went out for public comment. It does not make sense.

I had a quick look to see if there were any other accidental changes in the version on the web. I found some other minor changes (eg changing 'council' to 'town' in some instances) which were acceptable. I did not find any other unacceptable changes but I did not have the time to look through all documents on the web".

The Town's Administration provides the following comments;

Street Tree Management Plan

Amend clause 8.2(c)

"(c) Where tree removals are proposed, abutting residents in the immediate vicinity shall be notified consulted prior to the removal decision being made."

Clause 8.2 (b) acknowledges the value trees on the streetscape. This affects more than the property immediately adjacent to the tree. Neighbours in the vicinity should be consulted. We should use the same concept of vicinity as that proposed in the Streetscape Policy, that is 5 houses either side of the tree, and on both sides of the road.

Chief Executive Officer's Comments:

Generally concur with changes. The Town currently advises two (2) residents either side of tree and across the road. However, as the Town removes 100-150 street trees each year, it would be impracticable to consult in every case where a tree is removed. In some cases removal is necessary and to consult would serve no useful purpose.

(To "consult" means "to have regards for a person's interest, convenience etc, or to refer to a person for advice...". To notify means "to give notice to., to inform...") Therefore, to achieve the objective of consultation, without making the process cumbersome and lengthy, the clause is recommended to read as follows;

"Where tree removals are proposed;

(a) residents in the immediate vicinity will be notified(informed) prior to the removal, where the tree is dead or severely damaged/deteriorated;

(b) residents in the immediate vicinity will be consulted prior to the decision being made, where the tree is healthy."

Amend clause 8.2 (d)(iii)

"(iii) where approval is given to remove a street tree, the cost as determined by the Manager Parks Services, be paid in advance by the applicant;"

Clause 8.2 (d) deals with street trees but also mentions "private developments". It does not explicitly state whether the removal of trees refers to street trees or trees on private property. The ambiguity is caused by reference to "Planning and Building Services". The clause should explicitly state that the payment is required for the replacement of a street tree.

Chief Executive Officer's Comments:

Concur with change.

Amend clause 8.2(d)(iv)

"(iv) where a tree is to be removed, a suitable replacement, as determined by the Manager Parks Services be planted at the cost of the applicant. A replacement tree will, where possible, be of similar size as the tree that is removed."

In reality, it will not be possible to replace a tree with a tree of similar size. This is particularly dependent on the species. However, we need to change the practice of replacing a mature street tree with small specimen.

Chief Executive Officer's Comments:

Concur with comment, subject to changing the word "possible" to "practicable". The Town endeavors to replace all trees with a semi – mature specimen and never plant "small specimens" unless that is all that is available.

Amend clause 8.2(e)

"(de) Owing to the hazardous nature of the task and Heritage potential underground services, residents/occupants will not be granted permission to remove trees within the road reserve."

The word 'Heritage' seems to have crept into the version of the policy that was advertised on the web.

Chief Executive Officer's Comments:

Concur with change, the word "Heritage" was used in the original version of the Management Plan and was changed when the policy was amended - "potential underground services".

Guidelines for Policy 2.2.4 Verge Treatments, Plantings and Beautification

Amend clause 1.3

"The nominated plant species should not be prickly, have spines or be known to be poisonous or cause allergic reactions. They should not have fruit which, if shed would cause a hazard to pedestrians. Vegetable gardens are not permitted."

I do not believe that we should be stopping people growing vegetables on the verge. One just has to see the vegetable garden in Ethel Street to see how a verge garden can contribute to a streetscape and local community. People respect the garden and take an interest in the progress of each crop.

There is a verge garden in my street, Chatsworth Road, which does no harm and is always a pleasure to look at as each crop progresses.

Chief Executive Officer's Comments:

This is a major change to the existing policy.

The previous practice of "no vegetable gardens" has been a general rule for all local governments. A small number of local governments are now allowing this, as many residents have already over the years undertaken this practice without issue or infringement from the respective Council. However, the need to protect the Town from public liability claims is essential. Therefore the clause is recommended to read as follows;

"The approval of the Town is required, prior to a vegetable garden being established on the verge. Such garden shall be free of garden stakes, fixtures or fittings which, in the opinion of an Authorised Person, are a hazard to the public or have the potential to cause an injury."

Remove clause 4.8(i)

This clause says that commercial vehicle with a Tare Weight in excess of 1500kg can not park on a paved verge. What is not clear is why 'commercial vehicles' are prohibited but private vehicles are not. Also, why the arbitrary limit of 1500kg is imposed. A Toyota Prado, which is a common private vehicle, weighs over 1900 kg and would not be allowed if it was used for commercial purposes.

Rather than weight, should length be the measure that is used?

In any case, unless the reason for the prohibition is obvious, I don't see why we should have such a rule.

Chief Executive Officer's Comments:

This is recommended to be deleted from the Policy, as it is covered by the Town's Local Law relating to Parking and Parking Facilities.

Remove clause 4.8(ii)

This clause says that a person can not park a vehicle on the verge for more than 24 hours without the approval of the Chief Executive Officer. A 24 hour limit is unrealistically small and therefore will appear to be selectively imposed. Anybody who is penalised will be able to ask why they have been penalised when practically everybody else who parks on the verge breaks this rule at some time.

I can see that we do not want vehicles to be 'abandoned' on a verge but a 24 hour limit is unrealistic. A two week period would be more realistic. We need to have a more realistic approach rather than a rule that will be selectively applied.

Chief Executive Officer's Comments:

This is recommended to be deleted from the Policy, as it is covered by the Town's Local Law relating to Parking and Parking Facilities.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Policies

The Local Government Act 1995 does not allow local laws to make reference to local government policies. Any policies can only be used as a guide to applicants. They have no legal validity for the purposes of the local law.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4.12 "*Manage the organisation in a responsible, efficient and accountable manner*".

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The statutory review for the Local Government Property Local Law has now been completed. The new policies and Street Tree Management Plan 2007 have been advertised for public comment. The Local Law is still being reviewed and a report will be submitted to Council in the next month.

It is recommended that the Policy be adopted, subject to the recommended changes.

10.4.9 Civica National Conference - Adelaide South Australia 28 to 30 October 2007

Ward:	Both	Date:	8 August 2007
Precinct:	All	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES the Director Corporate Services to attend the Civica National Conference to be held in Adelaide South Australia on 28 to 30 October 2007, at an estimated cost of \$2,298.

COUNCIL DECISION ITEM 10.4.9

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF REPORT:

The purpose of the report is to obtain approval for the Director Corporate Services to attend the Civica National Conference “Reaching out to Tomorrow” to be held in Adelaide, South Australia on 28 to 30 October 2007.

BACKGROUND:

The Town has been using the Civica Authority system since 2001 as it’s corporate system. The Civica National Conference “Reaching out to Tomorrow” will provide a showcase of the Civica’s current and proposed developments together with strategic direction for the product. A comprehensive conference program has been scheduled for days of the conference.

The sessions will include the following topics:

The Authority Report

Demonstrating the most recent product developments with the Authority application including the strategic direction for the product.

The Authority Portal – New Generation

Demonstrating a completely new generation of the Authority application based on Rich Internet Application Technology and providing a seamless user experience.

Authority Mobile Solutions

Demonstration on the Authority Mobile Solutions

Authority Assets and Infrastructure Management (AIM) Application

Demonstration of the continuing evolution and development of the AIM application.

Financial and Corporate Reporting

Demonstrations of financial and corporate reporting using Microsoft Excel across Authority General Ledger, Assets, Work Orders, CRM and Rating applications.

Authority EDM

A presentation of the on-going strategic direction for the document enablement the Authority application.

Authority Platform and Capability Update

A presentation of the strategic direction of the Authority platform architecture and Civica software releases processes and capabilities improvements.

Authority and Continual Business Process Evolution

Presentation on Continual Business Process evolution in the Civica products.

Civica Way Forward

Presentation from Civica General Manager as to the Strategic direction of the company in Australia.

In addition there are a number of case study presentations including the following:

- On line requisitioning
- On line certificates
- Authority portal uses

Civica UK Study Tour

It is important event for Civica to showcase its product and its strategic direction to the all of its users throughout Australia.

It is beneficial for the Director of Corporate Services to attend this conference to ascertain the direction of the product and attend the demonstration sessions on the various modules stated above. The Town plans to implement a number of the modules being presented in the near future to continue to improve the efficiency of our processes.

It will also be beneficial for the Director to network with other user Councils from all over the country to obtain knowledge of the way other Council's use the system.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Council's Policy 4.1.15 - *"Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters" Clause 1.1 (i) 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;*
- (ii) In certain circumstances (for example where the Conference is of a technical nature) where an Elected Member is not attending the CEO may recommend that two officers attend, in lieu of the Elected Member. In this instance the CEO will specify reasons in the report to the Council”*

The Director Corporate Services' Contract of Employment entitles the Director Corporate Services to attend one inter-state conference per annum.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Four of the Strategic Plan 2006-2011 - Objective 4.2.2(c) "*Maintain the structured employee training and development plan.*"

FINANCIAL/BUDGET IMPLICATIONS:

Conference Registration	\$795.00
Accommodation (2 nights) @ \$225 per night	\$550.00
Airfare (economy class)	\$662.00
Expense allowance 3 days @ \$97 per day	\$291.00

Total	\$2,298.00

COMMENTS:

Civica National Conference is the major event for the company to showcase its product and future direction. The Town implemented the Civica Authority product in 2001 and uses the product extensively it therefore is important that the Town is aware of the direction that the product is taking to ensure that it is line with the goals that the Town has planned.

Although the conference is held annually, this is first time that Director Corporate Services has applied to attend this conference. It is considered that he will benefit from the attendance at the conference in gaining new product knowledge and also an insight into strategic direction of the product. There will also be a benefit in networking with other users from all over Australia in the way that they use the system.

Accordingly, the Chief Executive Officer supports the attendance of the Director Corporate Services at this Conference.

10.4.10 Leederville Masterplan - Opportunities for Business Investment, Western Australian Local Government (WALGA) Future Accommodation Options and Water Corporation

Ward:	South	Date:	8 August 2007
Precinct:	Oxford Centre P4/ Leederville P3	File Ref:	PLA0153
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the information concerning WALGA's future accommodation needs;
- (ii) **AUTHORISES** the Chief Executive Officer to;
 - (a) *enter into discussions with and/or submit an Expression of Interest (EOI) to WALGA, concerning potential opportunities which may be available within the Town, including a part of the Leederville Masterplan; and*
 - (b) *enter into discussions with the Water Corporation concerning possible business investment or partnerships; and*
- (iii) **NOTES** that a further report will be submitted to the Council, once discussions have been carried out.

COUNCIL DECISION ITEM 10.4.10

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre was an apology until 7.27pm)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of WALGA's future accommodation options and Water Corporation's business opportunities and obtain approval for the Chief Executive Officer to enter into discussions and/or submit an EOI concerning potential opportunities within the Town, including a part of the Leederville Masterplan.

BACKGROUND:

WALGA recently issued an Options Paper concerning their future accommodation needs. WALGA has a Board of Management who have investigated options for their future needs. The investigations reveal;

1. WALGA have outgrown their building at 15 Altona Street, West Perth.

2. Further redevelopment of 15 Altona Street, West Perth is not possible due to town planning and land use restrictions.
3. A second option is for all of WALGA or part of the Local Government Insurance Services (LGIS) to move to another commercial site.
4. A third option is for WALGA and LGIS to build or acquire an existing commercial building, funded through the sale of 15 Altona Street, West Perth.
5. A fourth option is to rent a new building.

WALGA's Accommodation Options Profile is as follows;

"Background

An Accommodation Taskforce has been established by the Western Australian Local Government Association and its insurance business, Local Government Insurance Services (a joint venture with Jardine Lloyd Thompson) to develop a long term accommodation strategy for both organisations. The Accommodation Taskforce has constructed a set of criteria and constraints for accommodation options within this document.

Requirements

The ideal accommodation for the Association and the Local Government Insurance Services over the next 10-20 years will be:

1. *A development site or relatively new building*

A development site is the preferred option, although a suitable vacant building would be acceptable.

A development site is preferred as this would permit the design and construction of a suitable building aligned to accommodation requirements.

2. *In West Perth OR THE CBD FRINGE*

West Perth is the preferred option for a number of reasons. The Association is currently located in West Perth and this location provides very good access to Parliament House, Dumas House and St Georges Terrace (which are the locations of the majority of Ministers and government agencies with which the Association regularly liaises).

While West Perth is the preferred location, other CBD fringe locations are considered acceptable including Subiaco, West Leederville, Leederville, Northbridge, North Perth and East Perth.

However, South Perth, Burswood, Victoria Park, Osborne Park etc and areas well outside the CBD rim have been excluded from consideration at this stage.

3. *With between 4,500 and 5,500 square metres of commercial floor space*

A need to accommodate up to 300 personnel has been identified (of which approximately 200 will be employees of WALGA and LGIS and floor space for another 100 personnel for commercial tenancy purposes).

Other requirements that require floor space include:

- *A primary boardroom to accommodate 50 with full kitchen;*
- *A secondary boardroom to accommodate 20 with a full kitchen;*
- *A purpose designed training room to accommodate 50 with designated breakout areas;*
- *20 meeting rooms – various sizes (from 6 people to 12 people)*

4. *With AMPLE parking*

A desire to accommodate 200 car bays has also been identified by the Taskforce. This would allow an approximate ratio of 1 car bay per 2 employees, with ample car bays available for visitors.

5. *And FIRST CLASS staff amenities*

The Taskforce has identified a number of desirable facilities for staff including:

- *2 staff cafés with full kitchens, staff lounge areas and bars*
- *A sick room*
- *A gymnasium / staff entertainment area*

6. *Financial Constraints*

Whilst a budget for the project has yet to be finalized, the Taskforce has identified an indicative figure of \$20-25 million to fund any future accommodation solution."

WALGA have engaged Property Consultants Jones Lang La Salle under a success based contract to find a suitable site or building.

Town of Vincent / Leederville Masterplan

The Town launched for public consultation its Leederville Masterplan on 17 July 2007. A number of public meetings have been held and an Information Brochure has been issued to all ratepayers in the Town. A letter has also been sent to relevant government agencies and Ministers. Feedback received to date has been extremely positive.

As WALGA's Options Profile includes parts of the Town (e.g. Leederville, West Perth and East Perth) as a preferred location, it is obvious that opportunities exist.

The Leederville Masterplan indicatively shows;

1. Three Icon buildings on land which is "The Avenue" or "Frame Court" Car Parks.
2. The Town owns freehold land at 291 and 295 Vincent Street.
3. A future commercial building on the current Leederville Early Childhood Centre site.

All of the above are potential opportunities. An additional 300 employees in the Leederville Town Centre would provide a considerable economic boost to the local businesses.

Water Corporation

Water Corporation representatives recently met with the Chief Executive Officer and Directors concerning the progress of their Masterplan. It is pleasing to report that the Masterplan is well advanced and is in keeping with the Town's Objectives and Future Direction.

The Water Corporation advised on a "commercial-in-confidence" basis of the potential for the Town to enter into a business partnership with, or on behalf of, the Water Corporation. Whilst these matters are confidential, they include:

1. office accommodation;
2. car parking;
3. provision of gymnasium facilities; and
4. provision of child care facilities.

It would be most appropriate for the Chief Executive Officer to enter into discussions with the Water Corporation, as there are obvious benefits for both parties. It will also avoid the duplication of some facilities.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

All discussions/Expressions of Interest will be conducted on an "obligation free" basis. A further report will be submitted to the Council.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2006-2011, Key Objective 2.1 - "*Progress economic development with adequate financial resources*", in particular:

"2.1.1 Promote the Town as a place for investment, appropriate to the vision for the Town."

"2.1.3 Promote business development."

"2.1.7 Implement the Leederville Masterplan."

FINANCIAL/BUDGET IMPLICATIONS:

The proposal does not require any funding. If the Town is required to submit a detailed EOI, this may require input from consultants, such as an Architect, Quantity Surveyor, Property/Valuer. However, costs would be minimal and considered to be between \$3,000-\$5,000. These costs could be sourced from Leederville Masterplan consultant fees.

COMMENTS:

WALGA's future accommodation options provide for potential investment opportunities within the Town and particularly within the Leederville Masterplan area.

It is therefore appropriate for the Council to authorise the Chief Executive Officer to enter into discussions and pursue the matter with WALGA and the Water Corporation.

10.4.12 Information Bulletin

Ward:	-	Date:	9 August 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 14 August 2007, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.12

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre was an apology until 7.27pm)

DETAILS:

The items included in the Information Bulletin dated 14 August 2007 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Margaret Allen, Chief Executive Officer and State Librarian, Department of Culture and the Arts. Key Performance Indicators 2007/2008
IB02	Letter from State Administrative Tribunal regarding Matter No. DR/123 of 2007 – Capone v Town of Vincent (248 Fitzgerald Street)
IB03	Letter from Ralph Dawson, Executive Director, Building and Construction Industry Training Fund in relation to the BCITF Planned Operations for 2007/2008.
IB04	Minutes of Universal Access Advisory Committee Meeting – 19 July 2007
IB05	Newspaper Article – West Australian Monday 6 August 2007 – Graffiti Campaign ‘needs tougher penalties’
IB06	Sub-standard and Dilapidated Buildings - Issue of Statutory Notices
IB07	Final Report - Banks Reserve Foreshore Restoration Project
IB08	Register of Petitions - Progress Report - August 2007
IB09	Register of Notices of Motion - Progress Report - August 2007
IB10	Register of Reports to be Actioned - Progress Report - August 2007
IB11	Register of Legal Action
IB12	Register of State Administrative Tribunal Appeals
IB13	Forum Notes - 17 July 2007
IB14	Forum Advice - 21 August 2007

THIS ITEM WAS WITHDRAWN BY THE APPLICANT

10.1.9 Nos. 53-61 (Lot 48 D/P: 2324) Grosvenor Road, Corner Hutt Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions to Three (3) Existing Single Storey Grouped Dwellings

Ward:	South	Date:	6 August 2007
Precinct:	Norfolk Precinct; P10	File Ref:	PRO3940; 5.2007.154.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, 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 L D'Alessio on behalf of the owners L & M F Costa & L & S D'Alessio for proposed Partial Demolition of and Additions and Alterations to Three (3) Existing Single Storey Grouped Dwellings, at Nos. 53-61 (Lot 48 D/P: 2324) Grosvenor Road, Corner Hutt Street, Mount Lawley, and as shown on plans stamp-dated 23 July 2007, 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 with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Hutt Street and Grosvenor Road;*
- (ii) the non-compliance with the density, minimum site area, open space, parking, sightlines and building setbacks of the Residential Design Codes and the Town's Policy relating to the Alma Locality, respectively;*
- (iii) the open space requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) consideration of the objections received.*

Landowner:	L & M F Costa & L & S D'Alessio
Applicant:	L D'Alessio
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Three Single Storey Grouped Dwellings
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	529 square metres
Access to Right of Way	Western side, 4.5 metres wide, sealed, Town owned

BACKGROUND:

3 April 2007 At the Special Meeting of Council, the subject place was considered for entry onto the Town's Municipal Heritage Inventory. The Council resolved not to include the place on the MHI as it was not considered to have sufficient cultural heritage value to warrant inclusion.

DETAILS:

The proposal involves proposed partial demolition of and alterations and additions to three existing grouped dwellings. The three dwellings on Lot 48, operated as 'corner shops' for the early part of the twentieth century. They comprise of a single shop-house at the western most part of the lot (facing Grosvenor Road); a larger corner shop-house which address the intersection of Grosvenor Road and Hutt Street with a truncated frontage; and another former shop, which fronts Hutt Street.

Approval is sought for alterations to the existing ground floor layouts and construction of a second storey addition to all three existing structures. Currently, the site has no formal parking bays.

In relation to the Assessment Table below, the applicant has provided a written justification for the proposed variations. The applications submission is included as an attachment to this report.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.4 dwellings at R40	3 dwellings at R56.7 Density Bonus 24.76 per cent	Not supported - as the proposal is considered to be an overdevelopment of the site and is considered to have an adverse impact on the amenity of the area.
Minimum Site Area Per Dwelling	Minimum 200 square metres Average 220 square metres	Unit One – 197.3 square metres Unit Two - 190.2 square metres Unit Three -141.5 square metres Average – 176.33 square metres	Not supported - as the proposal is considered to be an overdevelopment of the site and as it will have an adverse impact on the amenity of the area. See comment below.

Open Space	45 per cent	Unit One – 32 per cent Unit Two - 39 per cent Unit Three – 36 per cent Average – 35 per cent	Not supported - as the open space variation is not supportable under the Town's Non-Variation Policy.
Parking	Two car bays per dwelling	Unit One – 1 car bay Unit Two – 1 car bay Unit Three– 1 car bay	Not supported - as the proposal involves the intensification of the site and the provision of insufficient car parking.
Driveways	No single driveways wider than 6 metres and driveways in aggregate no greater than 9 metres for any one property.	Driveways for Units One and Two in aggregate is 9.4 metres in width.	Not Supported - as it is considered to impact on the streetscape and surrounding amenity.
Sightlines	A general minimum truncation of 1.5 x 1.5 metre sight line shall be provided at the property line.	Unit Three – 3.89 x 0.4 metre truncation to southern boundary.	Not supported - as it does not comply with the Town's Visual Sight Line Truncations - Driveways and Rights of Ways (ROW's) Policy No. 2.2.12, which requires a general minimum truncation of 1.5 metre by 1.5 metre sight line at the property line to ensure adequate visibility of pedestrians on the footpath.
Setbacks: Unit 1 Ground Floor to southern boundary (partial retention of existing wall with new openings).	1.5 metres	0.83 metre	Not supported - as the proposal is non-complaint with the Building Code of Australia Part 3.7.1.5, which requires the minimum setback of new openings to be 0.9 metre, for fire rating. A proposal, which retains the existing windows along the southern elevation, could be considered.
First Floor to southern boundary.	1.5 metres	1.33 metres to 2.02 metres	Not Supported - as an objection has been received and it is considered to impact on amenity of adjacent

First Floor to eastern (Hutt Street) Boundary.	6 metres <i>Alma Locality Plan Policy 3.3.20</i>	4.9 metres	affected dwelling. Not supported - as it is considered to impact on the streetscape and surrounding amenity.
Setbacks: Unit 2 First Floor to eastern (Hutt Street) boundary	6 metres to main building line <i>Alma Locality Plan Policy 3.3.20</i>	3.9 metres to main building line 1.4 metres to balcony	Not supported - as it is considered to impact on the streetscape and surrounding amenity.
First Floor to northern (Grosvenor Road) Boundary	1.5 metres	1.2 - 1.5 metres	Supported - as it is considered to be a minor variation.
Setbacks: Unit 3 Ground Floor to southern boundary	1.5 metres	Nil	Supported - as it complies with the R Codes requirements for Building on the Boundary.
First Floor to northern (Grosvenor Road) boundary	6 metres <i>Alma Locality Plan Policy 3.3.20</i>	0.86 to 1.6 metres	Not supported - as it is considered to impact on the streetscape and surrounding amenity.
First Floor to western boundary - to ROW	3 metres	1 metre	Not supported - as it is considered to impact on the streetscape and surrounding amenity.
Privacy: Unit Two – Balcony to southern boundary.	7.5 metres or screening in accordance with the R Codes.	7 metres – cone of vision.	Supported - as the variation can be conditioned to comply.
Store: Unit three	Minimum dimension of 1.5 metres with an internal area of 4 metres square.	3.2 metres by 1.2 metres Area - 3.84 metres square	Supported - as the store dimensions can be increased to comply within the existing garage arrangement.

Consultation Submissions		
Support	Nil	• Noted
<p>Objection (4)</p>	<ul style="list-style-type: none"> • Site is far too small for three units. • Proposed open space is too small. • Not enough resident parking provided, which would increase an already congested site. • No visitor parking provided. • Proposed driveway width will restrict available verge and street parking. • Development is bulky and out of character with the area. • Overshadowing affects courtyard and living room of dwelling neighbouring southern border. • First floor window in the stairwell of proposed Unit 1 looks into living area of neighbouring dwelling, affecting privacy. • Proposed Unit 1 is totally overshadowed by other units. • Setbacks on southern boundary negatively impact on neighbouring dwelling. 	<ul style="list-style-type: none"> • Supported - as the proposal has not been supported as it is considered to impact on the streetscape, living amenity of the residents and surrounding amenity • As above. • Not supported - as the applicant has amended the proposal to comply with the Residential Design Codes (R Codes) requirements for overshadowing. • Not supported - as the stairwell is not a habitable area and, therefore, it is not in conflict with the Privacy requirements of the R Codes. • Not supported - as the outdoor living area of Unit One is not overshadowed and as there will be no further change to the dwelling itself. • Not supported - as the setback to Unit 3 complies with the R

	<ul style="list-style-type: none"> Proposed two storeys are out of keeping with existing streetscape. Crossover is on a dangerous corner without proper sightline setbacks 	<p>Codes requirements for Building on the Boundary. The ground floor setback to Unit 1 is existing with new openings. The upper floor setback to Unit 1 has not been supported by the Officers.</p> <ul style="list-style-type: none"> Supported - as the proposal does not comply with the 6 metres second storey setback requirements of the Alma Locality Plan Policy 3.3.20. Supported - as addressed in the Officer's reason 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 subject site is inconsistent with the general pattern of development in the Alma Locality and indeed that of the Town, as it comprises three former shops on the one lot. The Alma Locality Plan Policy No. 3.3.20 states that in areas coded R40, *'single and infill dwellings are the favoured forms of development with a maximum of two dwellings permitted per lot'*.

In the submission dated 18 July 2007, the applicant states in relation to the proposed variation to the Minimum Site Area that *'this is irrelevant for this application, because this is an addition/extension of an existing property, not a new development. The changes being made are an endeavour to improve the amenity of this development as well as having benefits for the community, such as providing off street parking...'* The three existing structures were built circa 1907 and it should not be construed that any further development on the site, especially one as intense as the subject application, would automatically be granted based on the premise that the structures are existing.

All applications for development are required to be assessed in context with the Town's current policies and provisions. It is further noted that the proposal requires almost the total demolition of the original structure of Unit No.3.

The Alma Locality Plan Policy No. 3.3.20 further states that any new development is '*encouraged provided that the design responds to the established character*'. The proposal involves significant alteration to the existing facades of the former shops, including blocking up the original openings with a plaster finish, along Hutt Street and Grosvenor Road and the removal of Unit Two's façade and hipped roof detail in order to replicate the original façade of Unit No. 1. This, coupled with the non-compliant second storey additions to all three units, results in a development that erases the established character of the site.

It is considered that the intensification of the dwellings and the above variations is an over development of this site, which will have a significant impact on the amenity of the surrounding area. The proposed development presents an unacceptable and undesirable development form within the Alma Locality. On the above basis, the proposal is not supported.

10.1.1 No. 147 (Lots 115 and 138 D/P: Perth) Lincoln Street, with Frontages to Bulwer Avenue, Bulwer Street and Grant Street, Perth - Reconsideration of Proposed Partial Demolition of and Alterations and Additions to Existing Educational Establishment and Car Parking from Grant Street

Ward:	South	Date:	8 August 2007
Precinct:	Hyde Park; P12	File Ref:	PRO2042; 5.2007.114.1
Attachments:	001		
Reporting Officer(s):	S Kendall, C Wilson		
Checked/Endorsed by:	R Rasiah , R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

(i) *the Council, at its Ordinary Meeting held on 8 May 2007, resolved that*

"in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Oldfield Knott Architects on behalf of the owner Building Management Authority for proposed Partial Demolition of and Alterations and Additions to Existing Educational Establishment, at No. 147 (Lots 115 and 138 D/P: Perth) Lincoln Street, with frontages to Bulwer Avenue, Bulwer Street and Grant Street, Perth and as shown on plans stamp-dated 26 April 2007, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (ii) *prior to the issue of a Building Licence or the first occupation of the development, which ever occurs first, revised plans shall be submitted and approved demonstrating the retention of all verge trees along Lincoln Street, adjacent to the subject property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) *prior to any removal and/or relocation of the Telstra telephone booth on the Lincoln Street verge, adjacent to the subject property, the applicant shall obtain the written consent for such removal and/or relocation from the agency/body responsible for its care, control and management;*
- (iv) *the proposed car parking area along the south east corner of the site, which is accessed from Grant Street, shall be used by the staff of the Highgate Primary School only. This car parking arrangement shall be signposted appropriately, at the cost of the owner/occupier. Details of the signage shall be submitted to and approved by the Town and installed prior to the first occupation of the development, and maintained thereafter by the owner/occupier; and*

- (v) *prior to the issue of a Building Licence or commencement of works on site, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the proposed car parking area and associated vehicular access from Grant Street, adjacent to the south-east corner of the site, being removed/deleted; and*
 - (b) *the proposed library building being relocated to enable the provision of a minimum of 21 car bays within the car parking area adjacent to the north-east corner of the site, which is accessed from Lincoln Street. The car parking area shall be landscaped at a minimum rate of one tree per four car bays.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies."

- (ii) *Councillor Messina MOVES a motion to REVOKE the decision as specified in Clause (ii), (iv), (v) (a) and (v) (b) above;*
- (iii) *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 Elected Members, namely Councillors Ker, Councillor Maier and Councillor Doran-Wu, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the resolution adopted by the Council at its Ordinary Meeting held on held on 8 May 2007, as shown below;*
 - "(ii) *prior to the issue of a Building Licence or the first occupation of the development, which ever occurs first, revised plans shall be submitted and approved demonstrating the retention of all verge trees along Lincoln Street, adjacent to the subject property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
 - (iv) *the proposed car parking area along the south east corner of the site, which is accessed from Grant Street, shall be used by the staff of the Highgate Primary School only. This car parking arrangement shall be signposted appropriately, at the cost of the owner/occupier. Details of the signage shall be submitted to and approved by the Town and installed prior to the first occupation of the development, and maintained thereafter by the owner/occupier; and*
 - (v) *prior to the issue of a Building Licence or commencement of works on site, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the proposed car parking area and associated vehicular access from Grant Street, adjacent to the south-east corner of the site, being removed/deleted; and*

- (b) *the proposed library building being relocated to enable the provision of a minimum of 21 car bays within the car parking area adjacent to the north-east corner of the site, which is accessed from Lincoln Street. The car parking area shall be landscaped at a minimum rate of one tree per four car bays.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies."

- (v) *in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Oldfield Knott Architects on behalf of the owner Building Management Authority for proposed Partial Demolition of and Alterations and Additions to Existing Educational Establishment, at No. 147 (Lots 115 and 138 D/P: Perth) Lincoln Street, with frontages to Bulwer Avenue, Bulwer Street and Grant Street, Perth and as shown on plans stamp-dated 13 June 2007, subject to the following conditions:*

- (a) *any new street/front wall, fence and gate between the Lincoln Street and Grant Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (i) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (ii) *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;*
 - (iii) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (iv) *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*
 - (v) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (b) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (c) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking" (The Parking design as shown on submitted drawings shall be regarded as a concept only);*
- (d) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with these approved plans prior to the first use of the car park and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town.;*
- (e) *prior to the issue of a Building Licence a further Car Parking Management Plan shall be submitted to the Town and approved by the Town's Technical Services and shall including details of the proposed signage and security measures to ensure that the Grant Street car park is accessible only to authorised school staff;*
- (f) *the visually permeable gates to the staff car park shall be opened from Monday to Friday 7am to 6pm inclusive;*
- (g) *a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section, detailing a list of trees being planted in the staff car parking area (which is accessed from Grant Street) at a minimum rate of one tree per four car bays, 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);*
- (h) *standard visual truncations, in accordance with the Town's policy and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised. Details of all required visual truncations shall be included on final drawings submitted for Building Licence requirements;*
- (i) *prior to the issue of a Building Licence certification from a Practising Structural Engineer shall be submitted to the Town certifying the structural integrity of the eastern boundary retaining wall; and*
- (j) *first obtaining the consent of the owners/strata body of No. 133 Lincoln Street, Perth and No. 381 Beaufort Street, Perth for entry onto their land. The owners of the subject land shall finish and maintain the surface of the boundary (fire protection wall) walls facing No. 133 Lincoln Street, Perth and No. 381 Beaufort Street, Perth in a good and clean condition.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

AMENDMENT

Moved Cr Maier, Seconded Cr Messina

That the following amendments be carried out:

“That clause (v) (f) and (g) be amended to read as follows:

“(v)(f) the visually permeable gates to the staff car park shall be opened from Monday to Friday 7am to 6pm inclusive; OR shall be closed at an earlier time when the last staff member who has parked a vehicle in the staff car park has vacated for that day;

(g) a detailed landscaping plan, prepared in consultation with the Town’s Parks Services Section, detailing a list of trees being planted in the staff car parking area (which is accessed from Grant Street) at a minimum rate of one tree per four car bays, and a replacement verge tree on the Lincoln Street verge adjacent to the 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);”

Cr Doran-Wu requested that the clauses be voted upon separately and the Presiding Member agreed to this request.

Debate ensued.

AMENDMENT (v)(f) PUT AND CARRIED (5-3)

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

AMENDMENT (v)(g) PUT AND CARRIED (8-0)

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

(Cr Torre was an apology until 7.27pm)

COUNCIL DECISION ITEM 10.1.1

That;

(i) the Council, at its Ordinary Meeting held on 8 May 2007, resolved that

“in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Oldfield Knott Architects on behalf of the owner Building Management Authority for proposed Partial Demolition of and Alterations and Additions to Existing Educational Establishment, at No. 147 (Lots 115 and 138 D/P: Perth) Lincoln Street, with frontages to Bulwer Avenue, Bulwer Street and Grant Street, Perth and as shown on plans stamp-dated 26 April 2007, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (ii) *prior to the issue of a Building Licence or the first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the retention of all verge trees along Lincoln Street, adjacent to the subject property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) *prior to any removal and/or relocation of the Telstra telephone booth on the Lincoln Street verge, adjacent to the subject property, the applicant shall obtain the written consent for such removal and/or relocation from the agency/body responsible for its care, control and management;*
- (iv) *the proposed car parking area along the south east corner of the site, which is accessed from Grant Street, shall be used by the staff of the Highgate Primary School only. This car parking arrangement shall be signposted appropriately, at the cost of the owner/occupier. Details of the signage shall be submitted to and approved by the Town and installed prior to the first occupation of the development, and maintained thereafter by the owner/occupier; and*
- (v) *prior to the issue of a Building Licence or commencement of works on site, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the proposed car parking area and associated vehicular access from Grant Street, adjacent to the south-east corner of the site, being removed/deleted; and*
 - (b) *the proposed library building being relocated to enable the provision of a minimum of 21 car bays within the car parking area adjacent to the north-east corner of the site, which is accessed from Lincoln Street. The car parking area shall be landscaped at a minimum rate of one tree per four car bays.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies."

- (ii) *Councillor Messina MOVES a motion to REVOKE the decision as specified in Clause (ii), (iv), (v) (a) and (v) (b) above;*
- (iii) *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 Elected Members, namely Councillors Ker, Councillor Maier and Councillor Doran-Wu, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the resolution adopted by the Council at its Ordinary Meeting held on held on 8 May 2007, as shown below;*

- "(ii) prior to the issue of a Building Licence or the first occupation of the development, which ever occurs first, revised plans shall be submitted and approved demonstrating the retention of all verge trees along Lincoln Street, adjacent to the subject property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) the proposed car parking area along the south east corner of the site, which is accessed from Grant Street, shall be used by the staff of the Highgate Primary School only. This car parking arrangement shall be signposted appropriately, at the cost of the owner/occupier. Details of the signage shall be submitted to and approved by the Town and installed prior to the first occupation of the development, and maintained thereafter by the owner/occupier; and*
- (v) prior to the issue of a Building Licence or commencement of works on site, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
- (a) the proposed car parking area and associated vehicular access from Grant Street, adjacent to the south-east corner of the site, being removed/deleted; and*
- (b) the proposed library building being relocated to enable the provision of a minimum of 21 car bays within the car parking area adjacent to the north-east corner of the site, which is accessed from Lincoln Street. The car parking area shall be landscaped at a minimum rate of one tree per four car bays.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies."

- (v) in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Oldfield Knott Architects on behalf of the owner Building Management Authority for proposed Partial Demolition of and Alterations and Additions to Existing Educational Establishment, at No. 147 (Lots 115 and 138 D/P: Perth) Lincoln Street, with frontages to Bulwer Avenue, Bulwer Street and Grant Street, Perth and as shown on plans stamp-dated 13 June 2007, subject to the following conditions:*
- (a) any new street/front wall, fence and gate between the Lincoln Street and Grant Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (i) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (ii) 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;*
- (iii) the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (iv) *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*
- (v) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (b) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (c) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking" (The Parking design as shown on submitted drawings shall be regarded as a concept only);*
- (d) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with these approved plans prior to the first use of the car park and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town.;*
- (e) *prior to the issue of a Building Licence a further Car Parking Management Plan shall be submitted to the Town and approved by the Town's Technical Services and shall including details of the proposed signage and security measures to ensure that the Grant Street car park is accessible only to authorised school staff;*
- (f) *the visually permeable gates to the staff car park shall be opened from Monday to Friday 7am to 6pm inclusive; OR shall be closed at an earlier time when the last staff member who has parked a vehicle in the staff car park has vacated for that day;*
- (g) *a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section, detailing a list of trees being planted in the staff car parking area (which is accessed from Grant Street) at a minimum rate of one tree per four car bays, and a replacement verge tree on the Lincoln Street verge adjacent to the 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);*
- (h) *standard visual truncations, in accordance with the Town's policy and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised. Details of all required visual truncations shall be included on final drawings submitted for Building Licence requirements;*

- (i) *prior to the issue of a Building Licence certification from a Practising Structural Engineer shall be submitted to the Town certifying the structural integrity of the eastern boundary retaining wall; and*
- (j) *first obtaining the consent of the owners/strata body of No. 133 Lincoln Street, Perth and No. 381 Beaufort Street, Perth for entry onto their land. The owners of the subject land shall finish and maintain the surface of the boundary (fire protection wall) walls facing No. 133 Lincoln Street, Perth and No. 381 Beaufort Street, Perth in a good and clean condition.*

FURTHER REPORT:

The above application is for the construction of a new library building along the eastern boundary of the site, the reconfiguration of the existing access and car parking from Lincoln Street and the provision of a formal staff car parking area, which is accessed from Grant Street.

As noted in the verbatim copy of the Minutes from the Ordinary Meeting held on 8 May 2007, which is included at the end of this Agenda Report, the Council resolved to recommend approval of the application to the Western Australian Planning Commission (WAPC) subject to a number of conditions, including the removal of the proposed car parking area and associated vehicular access from Grant Street, adjacent to the south-east corner of the site. It is to be noted that the applicant was not aware of the recommendation to remove the proposed staff car parking from Grant Street, which was presented to the Council at its Ordinary Meeting held on 8 May 2007, as additional information was submitted after the Agenda Report had been prepared and made publicly available.

In light of this, the applicant has requested that the Council resolution of its Ordinary Meeting held on 8 May 2007 not be forwarded to the WAPC until they had an opportunity to further liaise with the Town's Officers with regard to the proposed access from Grant Street and that the matter be reconsidered by the Council.

The applicant's have had 2 meetings with the Town's Technical and Planning Services Officers and has submitted an amended Traffic Impact Statement and revised plans, which provides the proposed library building with a nil setback to the eastern boundary of the site.

FURTHER ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Non-Residential/Residential Development Interface	The new development will not create undue conflict through the generation of traffic and parking.	The provision of a formal staff car parking area, which is accessed from Grant Street.	Refer to Technical Services Comments below.
	Rear Setbacks - where no residential development abuts a residential area to	Eastern Boundary - Proposed Library - 3.2 metres	Supported - as the eastern elevation could be construed as either a side or rear elevation. The

	the rear, the required setback is 6 metres.	Relocated Bus Shed and Gardeners Shed - 2.5 metres	proposed setbacks to both the library and two sheds are considered not to have an undue impact on the amenity of the adjacent multiple dwellings.
Building on Boundary - Library to Eastern 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.	Maximum Height - 4.824 metres Average - 4.108 metres <i>(Measurements taken from top of retaining wall.)</i>	Supported - as no objection received and is not considered to have an undue impact on the amenity of the adjoining neighbours.
Car Parking			
Car Parking Requirement (nearest whole number) -School: 1.25 car bays per classroom provided (22 classrooms) – 27.5 car bays			28 car bays
Apply the adjustment factors <ul style="list-style-type: none"> • 0.85 (within 400 metres of an existing public car parking place with an excess of 75 car parking spaces). • 0.85 (within 400 metres of a bus stop) 			(0.7225) 20.23 car bays
Minus car parking on-site			41 car bays
Resultant surplus			20.77 car bays
Consultation Submissions			
Support (3)	<ul style="list-style-type: none"> • No reason provided. 	Noted.	
Objection (3)	<ul style="list-style-type: none"> • The car parking will increase the commercial traffic into the adjacent residential street. • The Street is very narrow and the proposal will create noise, increase traffic and create a dangerous environment for the residents of the street. • Children play on Grant Street where it is proposed to remove the barriers to provide access to the staff car park. This would create a dangerous situation for the children with cars passing. 	<ul style="list-style-type: none"> • Refer to Technical Services Comments below. • As Above. • Not supported - as the use of streets for recreational purposes has its dangers and is not condoned by the Town's Officers. 	

	<ul style="list-style-type: none"> Concern that increased noise will impact on the health of an elderly resident. The street has been quiet and it should stay that way. The existing barriers stop people using Grant Street as a thoroughfare to Lincoln Street. 	<ul style="list-style-type: none"> Not supported - as Parking Management Strategy has been prepared by the applicant in order to reduce any associated negative impact on the adjacent residents and amenity of area. There is no evidence to substantiate this claim. Noted. Not supported - as a gate to restrict unauthorized entry to the staff car park after hours will be installed.
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.

FURTHER COMMENT:

Technical Services

Grant Street is classified as an Access Road under the Town's Functional Road Hierarchy. It is located opposite Birdwood Square, off Bulwer Street, is approximately 90 metres long and currently terminates as a 'dead end' at the southern boundary of the Highgate Primary School.

The width of the road reserve is 9.1 metres wide with a 5.5 metres wide road pavement and 2 x 1.8 metres wide concrete footpaths.

As part of this development application, the 22 bay staff car park off the northern or terminating end of Grant Street, within the Highgate Primary School grounds is proposed.

It is the applicant's contention that the proposed staff car park, if properly managed, will have a negligible adverse impact upon the amenity of the Grant Street residents. In support of this proposition the applicant engaged the services of a Riley Consulting Traffic & Transportation Consultants, to prepare a Traffic and Parking Impact Statement, which is included as an attachment to this report and also "*Laid on the Table*".

The consultant provided the following information and conclusions (in part) in support of the application for car park with access off Grant Street:

"Proposed Car Park

'The provision of access to staff car parking from Grant Street should not be considered as new, as it is evident that access has previously been taken. It is understood that the car park will provide 22 staff bays and therefore it can be deduced that the daily flow would be 44 trips (22 arrive in the morning and 22 leave in the afternoon). It can be deduced that the peak flow would be up to 22 movements. It can be expected that staff will arrive between 07:30 and 08:30 and depart after 3:30pm and would not travel during the school peak periods and rarely during the road network peak periods.

Conclusion: *The car park would be expected to generate 44 vehicle movement per day of which up to 22 may occur during the morning peak period.*

Parking Management

The school car park will be for staff use only and will have a sign at the entrance saying "STAFF PARKING ONLY". It will be provided with a gate to restrict unauthorised entry after hours. It is expected that the car park will be open between 7am and 6pm on school days only. Teachers and other school staff will have access to a key for the gate so that after hours access can be available to staff.

The car park will not be available to the public at any time and the school may register the car parking with the Town for enforcement if non-staff parking occurs.

It is not the intent of the school to allow parking on the grounds to profit from events at nearby venues.

Conclusion: *The existing parking in Grant Street will be unaffected by the development proposal as staff will be directed they must not park in the street.*

Grant Street

Grant Street has a carriageway width of 5.5 metres along its length, which is appropriate for a low traffic flow street. It is noted that on-street parking is permitted for local residents as 4 of the 6 houses fronting the street have no off-street facilities. Currently parking in the street occurs to both sides with one wheel on the footpath.

The provision of access to the proposed staff car park can be seen to increase traffic movement in Grant Street by up to 22 vehicles during the peak period. A site inspection indicated 4 vehicle movements on Grant Street during the peak period, suggesting that peak hour traffic in Grant Street could increase to a maximum of (22 + 4) 26 vehicle movements. Using the assumed traffic generation the potential peak hour flow on Grant Street could be a maximum of (22 + 7) 29 movements. The increase from 7 vehicles to 29 vehicles is numerically high, but it is not considered that the increase would have a detrimental impact to the residential amenity of Grant Street.

Assuming the worst case scenario of 29 vehicle movements it can be deduced that on average one vehicle will use Grant Street every 124 seconds (one every 2 minutes). This is very low and can be considered to have no significant impacts to the amenity of Grant Street.

Conclusion: *It is considered that the expected peak hour traffic movements are low and will not affect the current operation or amenity of Grant Street.*

Carriageway Width

As has been indicated, Grant Street has a 5.5 metre wide carriageway and is also subject to on-street parking. A standard car is 1.96 metres wide and it can be seen therefore that a 5.5 metre wide carriageway can easily pass two-way vehicle movements. Reference to Liveable Neighbourhoods suggests that a 5.5 metre wide carriageway is appropriate for streets with forecast daily flow less than 1,000 vehicles. It also states that limited parking is also acceptable.

Conclusion: *Grant Street is of an appropriate width to cater for two-way traffic flow.*

Although current planning guidelines indicate that the street is of sufficient width to pass two-way traffic, the introduction of on-street parking would effectively reduce Grant Street to a single lane. Studies in the UK have found that a single track road with inter-visible passing places would be capable of passing 300 vehicles per hour. Assuming that on-street parking occurs 100% of the time, it can be considered that Grant Street could operate as a single track road. The laneway access to the rear of properties fronting Bulwer Street is currently restricted from parking and this provides a convenient passing place. It is concluded that if Grant Street is restricted to single track operation (one way movement at any one time) then sufficient capacity will exist to pass the peak flow of 29 vehicles.

Conclusion: *Even as a single track road, Grant Street would have ample capacity to pass the forecast traffic flows.*

It is also noted that AS 2890 provides the following comment regarding the use of access ways restricted to a single vehicle width:

As a guide, 30 or more movements in a peak hour (in and out combined) would usually require provision for two vehicles to pass on the driveway i.e. a minimum width of 5.5 metres.

Although not applicable to a public street, it can be seen that the forecast peak period movements would fall within the acceptable range for the use of a single vehicle width access with passing places provided. It is unlikely however, that parking on Grant Street would occur all day in all bays, so this situation would be considered as rare.

Grant Street Parking

There are 2 existing parking bays adjacent to the western side of Grant Street adjacent to Bulwer Street. Parking is restricted for about 8 metres to provide clearance for the laneway servicing houses fronting Bulwer Street and also a house that has off-street parking. North of this point the street is approximately 56 metres long and a single width could be provided for 49 metres of this length (allowing 7 metres clearance for vehicles to wait for an oncoming vehicle). This would provide the opportunity for (based on AS 2890) 8 on-street parking bays to be provided. In total 10 on-street bays can be provided.

Conclusion: *Grant Street could accommodate 10 on-street parking bays.*

Appendix B indicates the layout of car parking I Grant Street. 10 parking bays on Grant Street would equate to 1.6 bays per house. During the site inspection only 4 cars were seen to be parked on-street, which is the same as the number of houses with no off-street parking opportunity.

Conclusion: Appropriate levels of resident parking can be maintained."

Parks Services:

Condition (ii) of the resolution of the Ordinary Meeting of Council held on 8 May 2007 required:

'(ii) *prior to the issue of a Building Licence or the first occupation of the development, which ever occurs first, revised plans shall be submitted and approved demonstrating the retention of all verge trees along Lincoln Street, adjacent to the subject property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"*

The applicant has advised that the reconfiguration of the proposed car parking area from Lincoln Street would result in the removal of a number of car parking bays and reduce the functionality of the car park. In addition to this, the applicant has advised that the removal of the verge tree to accommodate the new crossover would not have a negative impact on the streetscape as it would actually provide a consistent spacing/pattern of the verge trees.

In response to this above justification, the Town's Park Services have undertaken an additional site inspection and have advised that the removal of the subject verge tree is supported, without any requirement for replanting.

Heritage Services

The Highgate Primary School is included on the Town's Municipal Heritage Inventory and is on the State Register of Heritage Places. In accordance with the Heritage of Western Australia Act 1990, the development proposal was referred to the Heritage Council of Western Australia (HCWA) for its consideration. In a letter dated 11 July 2007, the HCWA advised that they support the proposal.

Summary

Grant Street carries minimal traffic and is rarely used, other than by the residents. While the Traffic Consultant's report indicates that Grant Street can easily accommodate the additional traffic generated by the proposed staff car park, it will have an impact upon the residents amenity, as can be seen through the comments made during the advertising period.

The Town has on several occasions suggested that by relocating the proposed Library within the school site, access to the staff car park could have been via Lincoln Street. However, it is the applicant's position that it would result in significant loss of useable space within the schools grounds and may introduce a potentially dangerous situation between the school children and vehicular traffic.

It should be noted that the proposed car parks, with access off Lincoln and Grant Streets respectively, are not linked and therefore it will not be possible to drive through to Lincoln Street from Grant Street as suggested by one of the respondents.

Technical Services original concerns, as raised in the report to the Ordinary Meeting of Council held on 8 May 2007, in respect of vehicles movements into and out of Grant Street from Bulwer Street, remain. However, the projected traffic volumes are low and the geometry and sight distance of the intersection is similar to that many minor junctions within the Town and does not pose an increased risk if drivers adhere to the traffic regulations.

While the comments of the residents are acknowledged, the applicants Traffic and Parking Impact Statement demonstrates that aside from a one (1) hour period in the morning and afternoon when staff arrive and leave the school site, there will be minimal impact upon Grant Street. Therefore, it would be difficult to justify refusing the application for access off Grant Street on technical grounds as the projected traffic volumes and speeds are well within the design guidelines.

On the above basis, the revised plans dated 13 June 2007 and the deletion of conditions (ii), (iv) and (v) (a) and (v) (b) of the Council resolution (Item 10.1.5) at its Ordinary Meeting held on 8 May 2007 is supportable subject to appropriate additional conditions being imposed.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 8 May 2007.

“OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Oldfield Knott Architects on behalf of the owner Building Management Authority for proposed Partial Demolition of and Alterations and Additions to Existing Educational Establishment, at No. 147 (Lots 115 and 138 D/P: Perth) Lincoln Street, with frontages to Bulwer Avenue, Bulwer Street and Grant Street, Perth and as shown on plans stamp-dated 26 April 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (ii) prior to the issue of a Building Licence or the first occupation of the development, which ever occurs first, revised plans shall be submitted and approved demonstrating the retention of all verge trees along Lincoln Street, adjacent to the subject property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town’s Policies;*
- (iii) prior to any removal and/or relocation of the Telstra telephone booth on the Lincoln Street verge, adjacent to the subject property, the applicant shall obtain the written consent for such removal and/or relocation from the agency/body responsible for its care, control and management; ~~and~~*
- (iv) the proposed car parking area along the south east corner of the site, which is accessed from Grant Street, shall be used by the staff of the Highgate Primary School only. This car parking arrangement shall be signposted appropriately, at the cost of the owner/occupier. Details of the signage shall be submitted to and approved by the Town and installed prior to the first occupation of the development, and maintained thereafter by the owner/occupier; and*
- (v) prior to the issue of a Building Licence or commencement of works on site, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the proposed car parking area and associated vehicular access from Grant Street, adjacent to the south-east corner of the site, being removed/deleted; and*

(b) the proposed library building being relocated to enable the provision of a minimum of 21 car bays within the car parking area adjacent to the north-east corner of the site, which is accessed from Lincoln Street. The car parking area shall be landscaped at a minimum rate of one tree per four car bays.

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

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

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

"(v) (a) *the proposed car parking area adjacent to the south-east corner of the site, which is accessed from Grant Street and the car parking area adjacent to the north-east corner of the site, which is accessed from Lincoln Street, being landscaped at a minimum rate of one tree per four car bays;*

(vi) *the Town is prepared to allow the setback of the proposed library building to the eastern boundary to be reduced to nil, provided such lesser setback is agreed upon by the Department of Housing and Works, Western Australian Planning Commission and owners of the adjoining affected eastern properties. These revised plans shall be accompanied by a structural report from a practising structural engineer certifying that the retaining wall adjacent to the eastern boundary of the subject site is structurally sound to accommodate the proposed library building wall. These revised plans shall also not result in any greater variation to the requirements of the Town's Policies and shall be submitted and approved prior to the issue a Building Licence or commencement of works on site, whichever occurs first."*

Debate ensued.

AMENDMENT LOST (4-5)

For

Cr Chester

Cr Ker

Cr Lake

Cr Maier

Against

Mayor Catania

Cr Doran-Wu

Cr Farrell

Cr Messina

Cr Torre

MOTION CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Oldfield Knott Architects on behalf of the owner Building Management Authority for proposed Partial Demolition of and Alterations and Additions to Existing Educational Establishment, at No. 147 (Lots 115 and 138 D/P: Perth) Lincoln Street, with frontages to Bulwer Avenue, Bulwer Street and Grant Street, Perth and as shown on plans stamp-dated 26 April 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (ii) prior to the issue of a Building Licence or the first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the retention of all verge trees along Lincoln Street, adjacent to the subject property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) prior to any removal and/or relocation of the Telstra telephone booth on the Lincoln Street verge, adjacent to the subject property, the applicant shall obtain the written consent for such removal and/or relocation from the agency/body responsible for its care, control and management;*
- (iv) the proposed car parking area along the south east corner of the site, which is accessed from Grant Street, shall be used by the staff of the Highgate Primary School only. This car parking arrangement shall be signposted appropriately, at the cost of the owner/occupier. Details of the signage shall be submitted to and approved by the Town and installed prior to the first occupation of the development, and maintained thereafter by the owner/occupier; and*
- (v) prior to the issue of a Building Licence or commencement of works on site, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the proposed car parking area and associated vehicular access from Grant Street, adjacent to the south-east corner of the site, being removed/deleted; and*
 - (b) the proposed library building being relocated to enable the provision of a minimum of 21 car bays within the car parking area adjacent to the north-east corner of the site, which is accessed from Lincoln Street. The car parking area shall be landscaped at a minimum rate of one tree per four car bays.*

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

ADDITIONAL INFORMATION:

The Traffic Impact Statement for the above planning application was received by the Town on 26 April 2007. To ensure the matter was determined in time to meet the Western Australian Planning Commission timeframes, the Agenda Report was prepared without specific comments from Technical Services in relation to the Traffic Impact Statement. The Manager

Engineering Design Services and Senior Engineering Technical Officer have subsequently reviewed the Traffic Impact Statement, which examines the impact of the proposed staff car park and associated traffic movements on Grant Street.

The Traffic Impact Statement states 'it is considered that the expected peak hour traffic movements are low and will not affect the current operation or amenity of Grant Street.' However, it is considered that the proposed staff car park and associated traffic movements on Grant Street will affect the amenity of the residents in the immediate vicinity and, therefore, Technical Services do not support this aspect of the proposal. Grant Street has several properties, which are unable to provide on-site parking and, therefore, Grant Street provides the only parking available to its residents and also some Bulwer Street properties. It is not deemed appropriate to reduce the parking amenity further.

Technical Services is also concerned about conflicts between vehicles exiting Grant Street during a 'peak movement' period, Bulwer Street traffic and residents trying to enter Grant Street.

In light of the above, a 'Corrected Recommendation' has been prepared for the removal of the car parking area and associated access along the south east corner of the site, which is accessed from Grant Street.

With regard to the 'Proposed Amendment' requested by Councillor Maier requiring the proposed library building to be relocated to a nil setback to the eastern boundary, it is to be noted that a further overshadowing and privacy setback assessment has not been undertaken and that relocation may require significant alterations to be undertaken to the existing retaining wall along the eastern boundary, to ensure its structural stability. In addition to this, the proposed relocation may result in a greater impact on the amenity of the adjoining neighbours and should be subject to a period of community consultation.

<i>Landowner:</i>	<i>Building Management Authority</i>
<i>Applicant:</i>	<i>Oldfield Knott Architects Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Public Purposes (Primary School)</i>
<i>Existing Land Use:</i>	<i>Educational Establishment</i>
<i>Use Class:</i>	<i>Educational Establishment</i>
<i>Use Classification:</i>	<i>"AA"</i>
<i>Lot Area:</i>	<i>2000 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the following three main components:

- the construction of a new library building along the eastern boundary of the site;*
- the reconfiguration of the existing access and car parking from Lincoln Street; and*
- the provision of a formal staff car parking area, which is accessed from Grant Street.*

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>Non-Residential/ Residential Development Interface</i>	<i>The new development will not create undue conflict through the generation of traffic and parking.</i>	<i>The provision of a formal staff car parking area, which is accessed from Grant Street.</i>	<i>Supported in part - refer to 'Traffic Impact' comments below.</i>
	<i>Rear Setbacks - where no residential development abuts a residential area to the rear, the required setback is 6 metres.</i>	<i>Eastern Boundary - Proposed Library - 3.2 metres</i> <i>Relocated Bus Shed and Gardeners Shed - 2.5 metres</i>	<i>Supported - the eastern elevation could be construed as either a side or rear elevation. The proposed setbacks to both the library and two sheds are considered not to have an undue impact on the amenity of the adjacent multiple dwellings.</i>
	<i>Residential Design Codes: Building Setbacks - Library to Eastern Boundary</i>	<i>4.5 metres</i>	<i>3.2 metres</i>
<i>Privacy Setbacks - Library Verandah Landing to Eastern Boundary</i>	<i>7.5 metres</i>	<i>7.2 metres</i>	<i>Supported - not considered to have an adverse impact on the amenity of the adjacent multiple dwellings.</i>
<i>Car Parking</i>			
<i>Car Parking Requirement (nearest whole number) -School: 1.25 car bays per classroom provided (22 classrooms) – 27.5 car bays</i>		<i>28 car bays</i>	
<i>Apply the adjustment factors</i> <ul style="list-style-type: none"> <i>• 0.85 (within 400 metres of an existing public car parking place within excess of 75 car parking spaces).</i> <i>• 0.85 (within 400 metres of a bus stop)</i> 		<i>(0.7225)</i> <i>20.23 car bays</i>	

<i>Minus car parking on-site</i>	<i>41 car bays</i>
<i>Resultant surplus</i>	<i>22.77 car bays</i>
<i>Consultation Submissions</i>	
<i>The planning application was not advertised as is being referred to Council for consideration.</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 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.*

Heritage:

The Highgate Primary School is included on the Town's Municipal Heritage Inventory and is on the State Register of Heritage Places. In accordance with the Heritage of Western Australia Act 1990, the development proposal was referred to the Heritage Council of Western Australia (HCWA) for its consideration on 2 April 2007.

The HCWA have not been able to provide comments to meet the deadline for inclusion into this Agenda Report. However, the HCWA have advised that the Western Australian Planning Commission (WAPC) has referred the matter to the HCWA and that the HCWA would be providing its comments directly to the WAPC as the determining authority.

Notwithstanding the above, a Heritage Impact Statement was prepared for the proposal by Hocking Planning and Infrastructure. The Heritage Impact Statement is included as an attachment to this report and the key points are summarised below:

- The proposal removes the intrusive demountable classroom and the relocation of car parking to prevent pedestrian/vehicular conflict within the school playground.*
- The library is sympathetic in form and character to the heritage places of the site, whilst sitting unobtrusively in the background of any views to heritage places and elements.*
- The location and character of the proposed library do not impinge or affect the cultural heritage elements and values of the place.*

Traffic Impact

The applicant provided a Traffic Impact Statement, prepared by Riley Consulting Traffic and Transportation Consultants, to address concerns regarding the impact of the proposed staff car park and associated traffic movements on Grant Street. The Traffic Impact Statement is included as an attachment to this report and the key points, as outlined in the conclusion, are summarised below:

- “• The car park will not generate significant traffic movements and will of course only be used during school term times.*
- Grant Street currently has minimal traffic movement and whilst the car park would result in a numerically significant increase to traffic, the increase would not be considered to be detrimental to the safe operation of the street and would also not be considered to affect residential amenity.*
- The carriageway width of Grant Street is sufficient to permit two-way traffic movements under current planning guidelines.*
- It is estimated that 10 on-street parking bays can be maintained on Grant Street using single track operation. Based on advice contained in AS 2890, single track operation would be acceptable for the maximum forecast peak period traffic movements.*

However, it is unlikely that parking would occur in Grant Street all the time to capacity and thus single track operation would be very rare."

Parks Services

*The proposal requires the removal of a number of trees to accommodate the proposed library and staff car parking area off Grant Street. The Parks Services Technical Officer has visited the site and identified the plantings, which are to be removed. The plantings to be removed within the proposed car park include: a Norfolk Island Hibiscus (*Lagunaria patersonii*); a Western Tea Myrtle (*Melaleuca nesophila*), a Paper Bark (*Melaleuca quinquinervia*) and a Peppercorn tree (*Schinus molle*). Parks Services has advised that all of the above tree species are common plantings with many fine specimens being well established within private gardens and the Town's Parks and Reserves.*

*The plantings, which are to be removed to accommodate the proposed library include: a Cape Lilac (*Melia azedarach*); a Fiddlewood (*Citharexylum spinosum*) and a Sugar Gum (*Eucalyptus cladocalyx*). Parks Services have advised that the Cape Lilac and the Fiddlewood trees are both in good health; however, given the trees' size, the trees would not be part of the original plantings within the school grounds. It is further advised that whilst the Sugar Gum would have been an original planting, it has been severely damaged by termite activity and inappropriately pruned.*

In light of the above, Parks Services have advised that there is no objection to the removal of the above trees.

The proposal also requires the removal of a Eucalyptus Platypus verge tree along the Lincoln Street boundary to accommodate a new crossover into the front/northern car park. Parks Services have advised that it does not support the removal of this tree.

Summary

The proposed development (library building) is adjacent to the Residential zone along Lincoln Street and Grant Street. It is noted that the privacy encroachment is supportable and that the proposal does not unduly affect the amenity of the Residential zone to the east and south 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."

10.1.6 No. 159 (Lot 5, Strata Lot: 2) Palmerston Street, Dual Frontage to Myrtle Street, Perth – Demolition of Existing Carport and Shed and Construction of Garage, Carport and Store Additions to Existing Grouped Dwelling

Ward:	South	Date:	6 August 2007
Precinct:	Hyde Park, P12	File Ref:	PRO1972 5.2007.87.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Feldhusen on behalf of the owner BHDS Dudley and R Pargass, for the proposed demolition of existing carport and shed and construction of garage, carport and store additions to existing grouped dwelling on No. 159 (Lot 5, Strata Lot:2) Palmerston Street, dual frontage Myrtle Street, Perth, and as shown on plans stamp-dated 12 March 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Palmerston Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) first obtaining the consent of the owners of No. 157 Palmerston Street and No. 2 Myrtle 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. 157 Palmerston Street and No. 2 Myrtle Street, in a good and clean condition;*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the height of the garage wall to the western boundary being a maximum height of 3.5 metres with an average height of 3.0 metres above the natural ground level;*
 - (b) *the proposed garage is to be wholly structurally independent to the existing garage at No.157 Palmerston Street, Perth; OR alternatively prior to the occupation/use of the garage or within 35 days after the Building Licence being issued, whichever occurs first, that an easement shall be registered on the certificate of title for No. 157 Palmerston Street such that the structure within that easement area is used for structurally supporting the garage, and subject to first obtaining the consent of the owner of No. 157 Palmerston Street. All costs associated with this condition shall be borne by the applicant/owner of No. 159 Palmerston Street; and"*
 - (c) *no part of the structure (including footings) is to project beyond site boundaries. It is recommended that a Licensed Surveyor confirm the location of lot boundaries.*

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

- (v) *the proposed store is not to be used for habitable purposes.*

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

Moved Cr Farrell, **Seconded** Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-0)

(Cr Torre was an apology until 7.27pm)

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Feldhusen on behalf of the owner BHDS Dudley and R Pargass, for the proposed demolition of existing carport and shed and construction of garage, carport and store additions to existing grouped dwelling on No. 159 (Lot 5, Strata Lot:2) Palmerston Street, dual frontage Myrtle Street, Perth, and as shown on plans stamp-dated 12 March 2007, subject to the following conditions:

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

- (ii) *any new street/front wall, fence and gate between the Palmerston Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *first obtaining the consent of the owners of No. 157 Palmerston Street and No. 2 Myrtle 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. 157 Palmerston Street and No. 2 Myrtle Street, in a good and clean condition;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the height of the garage wall to the western boundary being a maximum height of 3.5 metres with an average height of 3.0 metres above the natural ground level;*
 - (b) *the proposed garage is to be wholly structurally independent to the existing garage at No.157 Palmerston Street, Perth; OR alternatively prior to the occupation/use of the garage or within 35 days after the Building Licence being issued, whichever occurs first, that an easement shall be registered on the certificate of title for No. 157 Palmerston Street such that the structure within that easement area is used for structurally supporting the garage, and subject to first obtaining the consent of the owner of No. 157 Palmerston Street. All costs associated with this condition shall be borne by the applicant/owner of No. 159 Palmerston Street; and"*
 - (c) *no part of the structure (including footings) is to project beyond site boundaries. It is recommended that a Licensed Surveyor confirm the location of lot boundaries.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (v) *the proposed store is not to be used for habitable purposes.*

ASSESSMENT:

Note: The following Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 dwelling R 80	1 dwelling R 80	Noted – no variation
Plot Ratio	1.0 <u>0.65</u> or (261 or <u>156.65</u> square metres)	0.45 0.49 or (117.28 square metres)	Noted – no variation
Plot Ratio	1.0 or (261 square metres)	0.45 or (117.28 square metres)	Noted – no variation
Setbacks: - Garage South (Myrtle Street)	1.5 metres	Nil	Supported – the garage is proposed to be setback in line with the main building line and directly parallel to adjoining grouped dwelling at No.157 Palmerston Street (Strata Lot 1).
East	1.0 metre	Nil	Supported - not considered to have an undue impact on neighbouring property and no objection received from directly affected neighbour.
West	1.0 metre	Nil	Supported – not considered to have an undue impact on neighbouring property.
- Carport West	1.0 metre	Nil	Supported – not considered to have an undue impact on neighbouring property and considered to have less of an impact than the existing carport on directly affected neighbours.
- Store North	1.0 metre	Nil	Supported – not considered to have an undue impact on neighbouring property and considered to have less of an impact than the existing shed on directly affected neighbours.

West	1.0 metre	Nil	Supported - as above.
Building on Boundary Wall	Walls not higher than 3.5 metres with an average of 3.0 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary	Three boundary walls: East boundary wall (garage): - over 2/3 the length of the balance of the boundary wall (abutting the neighbours garage at No.157 Palmerston Street). West boundary wall (garage, carport and store): - over 2/3 the length of the balance of the boundary wall. North boundary wall (store): - complies with requirements.	Supported in part – East boundary wall – supported as not considered to have an undue impact on neighbouring property and no objection received from directly affected neighbour. West boundary wall (garage, carport & store) – Supported in part and has been addressed in the Officer’s Recommendation. North boundary wall (store) – Supported as not considered to have an undue impact on directly affected neighbours and considered to have less of an impact than the existing shed on neighbouring properties.
Open Space:	45 per cent or 144 square metres.	30 per cent or 86.25 square metres.	Supported – the subject dwelling is listed on the Town’s Municipal Heritage Inventory List. There are development constraints affecting the site partly attributed to the small lot size. The variation to open space is considered not to unduly impact on the amenity of the residents and the surrounding area as a whole.
Consultation Submissions			
Support	Nil		Noted.
Objection (2)	Setbacks – concern that the boundary wall will be overbearing and confining to the directly affected neighbours and the street amenity.		Not Supported – refer to comment in the ‘Assessment Table’.

	Building Height – the height of the garage is not consistent with the neighbouring garage at No.157 Palmerston Street.	Supported in part – refer to “Comments Section”
	Building on Boundary Wall (west) – concerns that the boundary wall along the west boundary (garage, carport and store) is confining and imposing due to its height. Building on Boundary Wall (north) – concern for the parapet wall to the store.	Supported in part – refer to “Comments Section”
	Concern that the supporting structures to the garage are built on neighbouring property which the neighbours have not agreed to.	Supported – refer to “Comments Section”
	Overshadowing -	Not Supported – as compliant with relevant requirements of the R-Codes.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

Heritage

The above property is included on the Town’s Municipal Heritage Inventory with a *Category B Conservation Recommended* listing and forms part of a semi-detached pair of dwellings. Built circa 1903, the dwellings at Nos. 157-159 Palmerston Street, Perth are a fine example of Federation Cottages that contribute to the quality and diversity of Palmerston Street, Perth.

The proposed works do not involve any alteration or modification to the two original dwellings and will not impinge on any important site lines to and from the dwelling. It is considered that the proposed works will not impact on the identified cultural heritage values of the site.

In light of the above, Heritage Services has no objection to the proposal.

Planning

The proposed alterations and additions involve the demolition of the existing carport and shed, and the construction of a garage, store and carport. The existing carport and shed are abutting the northern and western boundaries at an average height of 3.5 metres from natural ground level. This height is higher than the acceptable height defined in Clause 3.3.2 – Buildings on Boundary, of the Residential Design Codes. This Clause states as follows;

“In areas coded R30 and higher, walls not higher than 3.5m with an average of 3m for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary”.

The proposed carport and store that will replace the existing carport and shed, will reduce the visual impact on neighbouring properties as the relevant wall heights have been reduced to comply with Clause 3.3.2 of the Residential Design Codes.

Similarly, the height of the garage, although it does not exceed the 3.5 metre height limit of Clause 3.3.2, has been conditioned to comply with the average height of 3.0 metres in the Officer Recommendation to reduce the impact on the neighbouring property.

Further, concerns in relation to the garage and western boundary parapet wall encroaching onto the western neighbours property has been appropriately conditioned to this effect.

In addition, the garage addition at the adjoining grouped dwelling at No.157 Palmerston Street, which included a variation to the open space requirements, was granted conditional approval under delegated authority by the Town on 24 November 2003.

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

10.1.7 No. 2 (Lot 3 D/P: 32573) Raglan Road, Mount Lawley - Proposed Change of Use from Single House to Office

Ward:	South	Date:	6 August 2007
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO1291; 5.2007.187.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, 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 owner A N De Saxe for proposed Change of Use from Single House to Office, at No. 2 (Lot 3 D/P: 32573) Raglan Road, Mount Lawley, and as shown on plans stamp-dated 27 June 2007, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Raglan 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;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*

- (iv) *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;*
- (v) *a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section, including a list of screening plants to be planted between the ramp and the southern boundary of the site shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facility 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;*
- (vii) *the hours of operation of the Office and the time during which visitors can attend the premises shall be restricted to the following times: 8am to 6pm, Monday to Friday and 8am to 1pm on Saturday inclusive;*
- (viii) *the existing vehicular entry gates adjacent to Raglan Road shall be either be removed, be open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the issue of a Building License;*
- (ix) *the applicant/owner shall pay a cash-in-lieu contribution of \$4,160 for the equivalent value of 1.6 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 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;*
- (x) *prior to the first occupation of the development the railing of the ramp shall be painted the same charcoal grey as the lower rendered portion of the existing hall to reduce its potential visual impact; and*
- (xi) *the floor area of the Office shall be limited to 213 square metres of gross floor area. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr, Messina, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-0)

(Cr Torre was an apology until 7.27pm)

Landowner:	A N De Saxe
Applicant:	A N De Saxe
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Single House
Use Class:	Office Building
Use Classification:	"P"
Lot Area:	359 square metres
Access to Right of Way	Western side, four metres wide, sealed and Crown owned

BACKGROUND:

25 October 1999 The Council at its Ordinary Meeting approved the proposed change of use from a hall to single residence and associated alterations and additions.

DETAILS:

The existing single storey hall on the subject site has been converted to a residence with a mezzanine level. The existing residence has a tandem car parking arrangement along the eastern boundary of the site.

Approval is sought for the change of use of the existing single house to an office and associated modifications to satisfy access for persons with disabilities in accordance with the Building Code of Australia requirements.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Car Bays	3 bays readily accessible	3 bays in one tandem arrangement. Therefore, there is a shortfall of 2 readily accessible bays.	Supported - in part as proposal includes two non- readily accessible bays, which may be utilized by the Office staff and as a condition requiring cash in lieu for the short fall in readily accessible bays has been included in the Officer Recommendation.
Parking and Access Policy	Private on-site parking should be located at the rear of developments.	Within front setback - south-eastern boundary.	Supported - as the site can not accommodate parking to the rear and as the proposed location of the parking was previously approved when the use was changed from hall to residence.

Parking and Access Policy	The perimeter of all parking areas should be landscaped by a planting strip of 1.5 metres in width, and in addition one shade tree per four spaces.	No perimeter planting to Raglan Road and no provision of shade trees.	Supported - in part as it is difficult to accommodate plantings on-site as the ramp utilises much of the front setback area. A condition has been included in the Officer Recommendation to provide for landscaping.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> The subject site in addition to the adjacent apartment complex will add to the already congested parking situation, leaving an unsatisfactory parking situation for residents. 		Not supported - as the subject site can accommodate up to three cars in a tandem arrangement and as it is considered that the adjacent apartment complex should not prejudice this application.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) - Office: 1 space per 50 square metres of gross floor area (213 square metres) – 4.26 car bays			4 car bays
Apply the adjustment factors			(0.65)
<ul style="list-style-type: none"> 0.85 (within 400 meters of a bus stop) 0.85 (within 400 metres of a car park within excess of 75 car parking spaces) 0.90 (the development is within a District Centre zone) 			2.6
Minus the car parking on-site			1 car bay
Minus the most recently approved on-site parking shortfall			Nil
Resultant Shortfall			1.6 car bays
Bicycle Parking			
Office (213 square metres of gross floor area) - 1 space per 200 square metres gross floor area - 1 space per 750 square metres over 1000 square metres			1.065 (Class 1 or 2) Nil (Class 3)

* 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 subject place is on the Town's Municipal Heritage Inventory with a Category B Conservation Recommended Listing. The former community hall at No. 2 Raglan Road, which was built circa 1935, is a good example of a community hall constructed in the Inter-war period, with the modest means available at that time.

The proposal involves minimal alteration to the internal fabric of the place and the installation of a ramp to the main entrance of the dwelling. The proposed ramp has been incorporated into the proposal to satisfy the Building Code of Australia requirements for access for persons with disabilities. This is a non-negotiable requirement as per the provisions of the Disabilities Services Act 1993. These requirements are reflected in the Mount Lawley Centre Precinct Policy No. 3.1.11, which states:

- *Pedestrian (or customer) entrances from the street are to be mandatory for all buildings.*
- *All pedestrian access is to be designed to comply with ACROD standards (disabled access).*

Notwithstanding the above, the proposed ramp will have an impact on the visual presentation of the building as, due to the required gradient, the ramp will take up almost all of the front setback area. In accordance with good conservation principals and the Town's Policy No. 3.6.1 relating to Heritage Management Development Guidelines, any alterations and additions to a place which interrupt an existing view to the principal façade would generally not be encouraged. The proposal also requires the removal of the low height rendered wall, which flanks the stairs leading to the entrance porch.

As the place is located within the District Centre zone, the Town's Officers acknowledge that the building will be attractive for non-residential purposes and that any change of use will require some form of modification for access for persons with disabilities. As the proposed ramp will have a minimal impact on the physical fabric of the place and will have the ability to be removed in the future and the original low height rendered wall reinstated, it is recommended that the proposal be approved, subject to appropriate conditions to reduce its visual bulk and impact on the facade of the subject place. As per the Officer Recommendation, it is recommended that the railing of the ramp be painted the same charcoal grey as the lower rendered portion of the existing hall to reduce its potential visual impact. The Town's Parks Services have advised that the proposed 0.45 metre strip between the ramp and the property's southern boundary can accommodate a low screening plant that will grow to the height of the ramp and further reduce its visual impact.

10.1.8 No. 46 (Lot 115 D/P: 7489) Kadina Street, North Perth - Proposed Demolition of Existing Single House

Ward:	North	Date:	3 August 2007
Precinct:	Smith's Lake; P06	File Ref:	PRO3911 5.2007.171.1
Attachments:	001 002		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	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 J Skantzos on behalf of the owner Carizon Pty Ltd for proposed Demolition of Existing Single House, at No. 46 (Lot 115 D/P: 7489) Kadina Street, North Perth, and as shown on plans stamp-dated 14 May 2007, 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 by virtue of the demolition of the existing building; and*
 - (b) *the existing place has cultural heritage significance in terms of its historic value;*
- (ii) *the Council ADVISES the landowner of No. 46 (Lot 115 D/P: 7489) Kadina Street, North Perth that Council is prepared to give consideration to a development proposal that incorporates the retention of the existing single house and that such a proposal may attract development bonuses;*
- (iii) *the Council AUTHORIZES the Chief Executive Officer to ADVERTISE the proposed inclusion of the place at No. 46 (Lot 115 D/P: 7489) Kadina Street, North Perth on the Municipal Heritage Inventory in accordance with the Town's Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory, including:*
 - (a) *advertising for public comment the proposed inclusion of the places on the Municipal Heritage Inventory for a period of 28 days in the local newspaper; and*
 - (b) *notifying the owners of the proposed inclusion of the places on the Municipal Heritage Inventory and to provide 28 days for the owners to comment; and*
- (iv) *a FURTHER REPORT be presented to the Council to consider any submissions received and whether to approve the proposed inclusion of the subject place on the Municipal Heritage Inventory after considering the submissions.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Chester

That this item be DEFERRED to allow Officers to carry out further discussions with the owner and provide further information.

MOTION TO DEFER PUT AND CARRIED (8-0)

(Cr Torre was an apology until 7.27pm)

Landowner:	Carizon Pty Ltd
Applicant:	J Skantzos
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:	1042 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single storey brick and tile dwelling at No. 46 Kadina Street, North Perth.

A site visit was undertaken of the subject property and a Heritage Assessment was undertaken in accordance with the Town's Policy relating to Heritage Management – Assessment. The applicant was provided with a copy of the Heritage Assessment and has provided the following comments:

- The Statement of Significance is based on the concern of the owner of the subject property at the time. The owner at the time was viewing their concern on loosing the home they occupied at the time. There is no evidence to state that there were any other concerns raised by other members of the community.
- No scientific, social or aesthetic value. It is poorly aligned to the street, interfering with the amenity of the adjoining property owner to the north-western side.
- The home was occupied at the time that a proposal was put forward for a road extension. It is only logical that the owner/occupier at the time would object in loosing the roof over their head.
- The noted 'historic value' is on the merits of a previous owners personal response to the Council.
- The dwelling is exposed on its 3 frontages, is not of good quality and poor solar design. The demolition will allow for new, well constructed, sustainable housing.

- There is an application with the WAPC for two green titled lots. This will not be possible without demolition approval to the existing dwelling on the subject site.
- The Town of Vincent has zoned the property to allow for more than one dwelling to be constructed on this site
- The proposed demolition should be assessed on the merits of positive future development in the Town of Vincent, as can be seen at the top end of Kadina Street (near Charles Street) where Clover Meats and Brownes Dairy were demolished for development.
- The house is not accommodating to today's family/ living requirements, security and safety needs.
- Current owner is willing to recognize the property if demolition is granted with a photographic record and/or plaque to signify the site.
- Not feasible to retain and continue maintenance to keep the integrity of the property that has no cultural significance to the area.

The applicant's full submission is provided as an attachment to this report and is "*Laid on the Table*".

ASSESSMENT:

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

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

Comments:

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

The subject residence situated at No. 46 Kadina Street, North Perth is a partially rendered brick and tile dwelling of the Interwar Bungalow style of architecture, which was constructed circa 1934. The dwelling is situated on a large 1042 metres square lot, which has three street frontages. These include the dwelling's primary frontage to Kadina Street, along its eastern boundary; the dwelling's secondary frontage to Barnet Street along its southern boundary; and the dwelling's rear boundary along Barnet Place.

The dwelling was one of the first homes built in the first stage of the development of the Smiths Lake area. The dwelling was originally earmarked for demolition to enable the extension of Kadina Street in the 1950s. However, in response to concerns from the former owner of the property, Kadina Street was realigned to ensure the retention of the dwelling,

which has resulted in the road alignment that is extant today. Based on the results of this assessment, the place has been found to have local cultural significance as it illustrates the evolution of this part of the suburb of North Perth and through its influence on the realignment of Kadina Street in the 1950's.

In summary, in accordance with the Town's Policy relating to Heritage Management – Assessment, the place is considered to be significant to the locality and worthy of inclusion into the Town's Municipal Heritage Inventory as a Management Category B -Conservation Recommended and, therefore, it is recommended that the proposed demolition of the existing dwelling be refused. However, it is recommended that careful consideration be given to the comments and concerns of the applicant, as outlined in the attached submission.

10.1.2 No. 118 (Lot 2) Anzac Road, Mount Hawthorn - Proposed Roller Door Additions to Carport to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	6 August 2007
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2974; 5.2007.241.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	R Boardman, J Giorgi

OFFICER RECOMMENDATION CHIEF EXECUTIVE OFFICER AND DIRECTOR, DEVELOPMENT SERVICES 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~~ APPROVES the application submitted by Carlo J Bonomi for Roller Door Additions to Carport to Existing Single House (Application for Retrospective Approval), at No. 118 (Lot 2) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 25 June 2007, for the following reasons:*
- (a) ~~the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and~~
- (b) ~~the non-compliance with the Town's Policy relating to Street Setbacks as the carports are required to be unenclosed except to the extent that abuts the existing dwelling and being without doors or panels unless these doors and/or panels are visually permeable such as with open grilles; and~~
- (ii) ~~Council ADVISES the owners of No. 118 (Lot 2) Anzac Road, Mount Hawthorn, that the unauthorised roller door addition to carport to existing single house at No. 118 (Lot 2) Anzac Road, Mount Hawthorn, shall be removed within twenty-eight (28) days of notification, and the Council AUTHORISES the Chief Executive Officer to initiate legal proceedings to ensure the removal of the unauthorised roller door addition should the roller door remain after the above 28 days period.~~

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Torre entered the Chamber at 7.27pm.

Debate ensued.

MOTION PUT AND LOST (4-5)

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

Reasons:

1. Not in accordance with the good and proper planning of the area.
2. Non-compliance with the Policy relating to Street Set-backs.
3. Setting undesirable precedent – Sought retrospective approval – inconsistent with previous approvals.
4. Openness of streetscape will not prevail as the roller door is a solid roller door and obstructs the front view – this is against the accepted principles.

Landowner:	C Bonomi
Applicant:	Carlo J Bonomi
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:	534 square metres
Access to Right of Way	N/A

BACKGROUND:

- 25 July 1997 Building Licence was issued for additions to the dwelling including a double carport.
- 12 October 2004 Inspection of the subject carport revealed a solid panel roller door erected to the entrance of the carport. A written request for compliance with the conditions of approval was issued by the Town's Officers.
- 2 December 2004 Application for retrospective approval was received for roller door additions to the existing single house.
- 18 January 2005 The Council, at its Ordinary Meeting, deferred the application for roller door additions to existing single house at the request of the applicant.
- 8 March 2005 The Council, at its Ordinary Meeting, resolved to refuse the proposed roller door addition to carport to existing single house, for the following reasons:
- “(a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policy relating to Street Setbacks.”*
- 17 March 2005 Notification was sent to the applicant informing them that they had fourteen (14) days of the date of the letter to remove the unauthorised roller door. If the applicant did not comply with the Town's request the Town will commence legal proceedings against the applicant, under the provisions of Section 214 of the Planning and Development Act of 2005. This non-compliance matter was, however, not further actioned due to an oversight by the Town's Officers.

- 26 February 2007 An Elected Member's Request was received in relation to the unauthorised roller door at No. 118 Anzac Road, Mount Hawthorn.
- 9 March 2007 A further notification was sent to the applicant in reference to non-compliance with the Town's letter dated 17 March 2005. This letter also informed the applicant that they had fourteen (14) days of the date of the letter to remove the unauthorised roller door. If the applicant did not comply with the Town's request the Town advised that it would commence legal proceedings against the applicant, under the provisions of Section 214 of the Planning and Development Act 2005.
- 11 April 2007 A Written Direction was issued to the applicant under the Planning and Development Act 2005, Section 214(2), for non-compliance with Town of Vincent Town Planning Scheme No.1.
- 20 April 2007 A letter from the owner, Mr. C. Bonomi was received by the Town apologising for the delay in responding to the Town's letter dated 9 March 2007 and requesting additional information.
- 26 April 2007 A response to Mr. C. Bonomi's letter of 20 April 2007 was sent to the owner providing him with the requested information and informing him that he is still required to comply with the Written Direction issued on 11 April 2007.
- 15 May 2007 The Town's Development Compliance Officer (DCO) contacted the applicant in relation to the Written Direction. The applicant informed the DCO that a Retrospective Development Application would be submitted to the Town for the unauthorised roller door at No.118 Anzac Road, Mount Hawthorn.
- 25 June 2007 A Retrospective Development Application for the existing, unauthorised Roller Door Addition to Carport to Existing Single House was submitted to the Town.

DETAILS:

The applicant seeks retrospective Planning Approval for a roller door addition to an existing single house. The applicant's submission is attached.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Carport Door as per Town's Policy relating to Street Setbacks.	Carports within the street setback to be without a door unless that door is visually permeable.	Solid roller door to carport.	Not Supported for the reasons specified in the CEO's comments at the end of this report – as the roller door is non-compliant with the Town's Policy relating to Street Setbacks. The

			intent of the Policy is to prevent structures such as carports within the front setback from dominating the streetscape whilst still allowing casual surveillance and interaction with the street.
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
No advertising was undertaken as the proposal was previously refused by the Council.			
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 reasons stated in the owners' submission have been considered, including the primary motive of security to the owners' property and motor vehicles. ~~If for some reason the owners were to relocate from the above house at some future date, the Town will be left with an unacceptable development of a solid carport roller door structure within the front setback area.~~

It is considered that the existing carport roller door does not ~~will~~ have an undue adverse impact on the streetscape. ~~and discourage safety and security via limited surveillance and interaction between the house and the street.~~

~~In light of the above, it is recommended that the Council refuse the above application for the unauthorised roller door.~~

Chief Executive Officer's Comment

The Chief Executive Officer and Director, Development Services have amended this report as it is considered that the application of the Street Setbacks Policy in this case is unreasonable, for the following reasons;

1. Consideration of submission submitted by the applicants including;
 - (a) The roller door does not detract from the streetscape or dominate Anzac Road.
 - (b) Casual surveillance and interaction with Anzac Road is maintained from the ground and upper floor of the dwelling.
 - (c) The roller door provides security for the applicants tools of trade.
2. The roller door contains small clear panels and decorative features and is considered to be in compliance with the "spirit" of the Policy.
3. No complaints have been lodged by neighbours.
4. The roller is similar to other roller doors throughout the Town, nearby to 118 Anzac Road.

5. There is no Right-of-Way access to the property and carparking can only be provided in the front set-back area.
6. The roller door does not detract from the appearance of the dwelling or obstruct views of the dwelling from the street.
7. Approval of the Application will minimise any further Town resources and expenditure in pursuing the matter, which most likely will result in an appeal to the State Administrative Tribunal.

The Town's Officers do not have the discretion or delegated authority to recommend approval, however for the reasons detailed above, approval in this case is recommended.

10.1.11 No. 223 (Lot: 273 D/P: 1791) Scarborough Beach Road, corner Egina Street, Mount Hawthorn – Proposed Partial Demolition of and Alterations, Additions and Drive Through Facility to Existing Shop

Ward:	North	Date:	8 August 2007
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3861; 5.2007.12.1
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 REFUSES the application submitted by Ken Paterson Architects on behalf of the owner AR Di Gregorio La Bianca & G Condipodero for proposed Partial Demolition of and Alterations, Additions and Drive-Through Facility to Existing Shop, at No. 223 (Lot: 273 D/P: 1791) Scarborough Beach Road, corner Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 1 March 2007 for the following reasons:

- (i) the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the setbacks, landscaping and building façade/articulation requirements of the Town's Policy relating to Non-Residential/Residential Development Interface; and*
- (iii) consideration of the objections received.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Farrell

That the following amendment be made:

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

- (iv) Technical Services concerns about traffic entering Scarborough Beach Road and at the Egina Street, Scarborough Beach Road intersection;*

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

- (v) *the development will result in an unacceptable level of intensification of a commercial use in an area zoned Residential; and*

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.11

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Ken Paterson Architects on behalf of the owner AR Di Gregorio La Bianca & G Condipodero for proposed Partial Demolition of and Alterations, Additions and Drive-Through Facility to Existing Shop, at No. 223 (Lot: 273 D/P: 1791) Scarborough Beach Road, corner Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 1 March 2007 for the following reasons:

- (i) *the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the setbacks, landscaping and building façade/articulation requirements of the Town's Policy relating to Non-Residential/Residential Development Interface;*
- (iii) *consideration of the objections received;*
- (iv) *Technical Services concerns about traffic entering Scarborough Beach Road and at the Egina Street, Scarborough Beach Road intersection; and*
- (v) *the development will result in an unacceptable level of intensification of a commercial use in an area zoned Residential.*

Landowner:	A R Di Gregorio La Bianca & G Condipodero
Applicant:	Ken Paterson Architects
Zoning:	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No.1: Residential R60
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"SA"
Lot Area:	556 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves proposed partial demolition of and alterations, additions and drive-through facility to existing shop. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Building Setbacks - West	2.3 metres	Nil	Not supported- undue impact on affected neighbour.
Landscaping	10 per cent	Approximately 2.3 per cent	Not supported- undue impact on area, particularly in light of the subject property residential zoning.
Building Facades/ Elevations	-Facades and adjacent ground floor uses are to encourage active and interactive street frontages that are safe, convenient and enhance the streetscape. -Building elevations should be articulated to provide visual interest and richness. This can be achieved through the use of colour, texture and materials and surface modelling.	Not demonstrated (walls and elevations predominately existing)	Not supported- undue impact on streetscape and area and it is considered that the alterations proposed can consider and incorporate this requirement.
Consultation Submissions			
Support	Nil		Noted.
Objection (25 and 2 petitions)	<ul style="list-style-type: none"> Inadequate car parking 		Not supported- it is considered that car parking has been provided in accordance with relevant Policy.
	<ul style="list-style-type: none"> Increased volume of traffic 		Supported in part- has a potential for an increase of traffic through intersection, however, as

	<ul style="list-style-type: none"> • Increased risk of vehicle and pedestrian accidents • Increased road safety concerns at an identified 'black spot' intersection • Proximity to a local primary school, daycare centre, children's playground and bus stop, and pedestrians travelling to/from these facilities • Extended trading hours negatively impacting amenity of the area • Lack of appropriate community consultation • Lack of storage space on-site leading to increased number of delivery trucks, creating noise pollution and blocking ROWs and neighbouring driveways • Inconsistent with Town's Mount Hawthorn Precinct Planning Policy No 3.1.3, which favors small development for the day-to-day use of residents 	<p>exit via Scarborough Beach Road, only minimal impact upon Egina Street.</p> <p>Supported in part- likely decrease in Egina Street as fewer conflicting traffic movements with circulatory system, possible increase in Scarborough Beach Road with additional traffic movements in vicinity of intersection.</p> <p>Not supported- refer to 'Comments' section below.</p> <p>Supported- proposal not considered appropriate for a residential zoned property.</p> <p>Not supported- applicant has advised it is not intending to apply for extended trading hours.</p> <p>Not supported- proposal was advertised in accordance with the Town's Community Consultation Policy.</p> <p>Not supported- matter is governed by the Environmental Protection (Noise) Regulations 1997 and will be a requirement in the event of an approval that right of way is kept clear.</p> <p>Supported in part- statement is not applicable to subject area, nethertheless, is supported as property is zoned residential.</p>
	<ul style="list-style-type: none"> • Cars idling in drive-through is contrary to contemporary 'green' initiatives and will increase air pollution 	<p>Not supported- will be conditioned in event of approval that applicant provides management plan to address matter.</p>
	<ul style="list-style-type: none"> • Negative impact on value of neighbouring properties • Proposed setback will limit solar access of 	<p>Not supported- not considered to be a major planning consideration.</p> <p>Not supported- matter is</p>

	<p>neighbouring properties (225 Scarborough Beach Road)</p> <ul style="list-style-type: none"> • Noise pollution from machinery • Proposal will lead to more litter in area • Night lighting and proposed signage will negatively impact on neighbouring properties • No proposed improvement to the damaged southern retaining wall • Increased degradation to the crossover/verge from Egina Street due to vehicles • Proposed western boundary parapet wall is too long and high, and shows no vehicular impact protection • Amenity of residential area will be impacted on 	<p>compliant with relevant requirements. Not supported- matter is governed by the Environmental Protection (Noise) Regulations 1997. Not supported- considered to be a speculative statement. Not supported- matters will be subject to a separate approval from the Town if non-compliant with the relevant Town's Policies and Local Laws. Not supported- considered to be a civil matter and not a major planning consideration. Not supported - crossover and verges to be maintained by owners. Supported - wall considered to have an undue impact on the affected neighbour. Supported- comment concurred with.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Car Parking		
Car parking requirement (nearest whole number) • Shop (149 square metres) - 9.93 car bays	10 car bays	
Apply the adjustment factors. 0.85 (within 400 metres of a bus stop)	(0.85) 8.5 car bays	
Minus the car parking provided on-site for commercial component	4 car bays	
Minus the most recently approved on-site car parking shortfall	8.6 car bays	
Resultant surplus	4.1 car bay	
Bicycle Parking Facilities		
<p>Shop</p> <ul style="list-style-type: none"> • 1 space per 300 square metres gross floor area (class 1 or 2)- Nil • 1 space per 200 square metres (class 3)- 1 space 	To be condition to comply in the event of approval.	

* 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.

Technical Services Comments

Scarborough Beach Road is classified as a District Distributor A Road under the Town's Functional Road Hierarchy, while Egina Street is classified as a Local Distributor Road (Anzac Road to Scarborough Beach Road). The current traffic volume in Scarborough Beach Road, in vicinity of Egina Street, is in the order of 10,000 vehicles per average weekday. Further, this section of Scarborough Beach Road operates as an undivided four (4) lane road with a posted speed limit of 60 kph. However, Technical Services are currently preparing a report to the Council recommending that it be reduced to a 2 lane divided road with trees in the central median and pedestrian refuge islands. The ultimate intention is to reduce the speed limit to 50 kph to match that of the section east of Killarney Street.

The Egina Street intersection was upgraded in 2002/2003 as a State Black Spot Improvement Project so that Egina Street intersects with Scarborough Beach Road at 90°, with a median island in Egina Street to provide a pedestrian refuge and separate traffic, improve sight distances and control the right turn movement into and out of Egina Street.

The site already operates as a 'BWS' liquor store with limited on-site parking. During peak trading periods, that is Friday evenings, the carpark is insufficient and many customers park in Egina Street, both legally and illegally.

The applicant's current proposal is for a Drive Through 'Bottle Shop' by way of altering the existing premises. The circulation would be clockwise, in via Egina Street and out via Scarborough Beach Road.

It is assumed that the applicant is seeking to increase turnover by eliminating the need to park and 'walk' into the store, thereby significantly increasing passing trade.

It is the applicant's contention that with the correct management controls in place that the drive through system can work both safely and efficiently. In support of this proposition, the applicant engaged the services of Porter Consulting Engineers, to prepare a Traffic Access Report, which is "*Laid on the Table*".

The consultant provided the following information and conclusions (in part) in support of the application:

'It is recommended that the drive through access be redesigned such that the drive through is located on the western boundary of the site. This would be approximately 25m from the intersection of Egina Street. This would allow vehicles to enter from Egina Street at the existing access and exit directly onto Scarborough Beach Road, with the ability to turn left or right along Scarborough Beach Road. The sight distance in this location is unrestricted...'

While the report does not specifically address the issue, it is believed that the rational is that a majority of the extra traffic/custom generated by the drive-through facility will come from Scarborough Beach Road and as the exit is onto Scarborough Beach Road, will have minimal impact upon Egina Street.

The applicant's original concept suggested a drive-through that exited adjacent to the Scarborough Beach Road / Egina Street intersection. The concept was immediately rejected on traffic and safety grounds, and was acknowledged by the applicant's traffic consultant.

However, as the applicant is intent upon proceeding with the current proposal, Technical Services has had discussions with the traffic consultant on ways of reducing the inherent risks involved with a significant number of vehicles exiting the drive-through from an enclosed space, across a footpath and entering the traffic stream on Scarborough Beach Road.

The proposed management measures include a single exit lane, a speed hump on exit, warning signage and truncations for sight distance, particularly for pedestrians.

However, while technically the drive-through can work, Technical Services has reservations about the appropriateness of the development in this location.

COMMENTS:

The proposal is considered to generally intensify the current use on-site and to have an undue impact on the area. In light of the above, the proposal is recommended for refusal.

10.4.11 Request from PG Partnership, trading as Perth Glory Football Club, for use of Loton Park for Temporary Parking on Event Days at Members Equity Stadium

Ward:	South	Date:	8 August 2007
Precinct:	Beaufort, P13	File Ref:	RES0013
Attachments:	-		
	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of one of the following;

- (i) *APPROVES the request from PG Partnership, trading as Perth Glory Football Club and waives the fees for temporary parking on Loton Park for all A-League events for 2007/08; OR*
- (ii) *APPROVES the request from PG Partnership, trading as Perth Glory Football Club for a re-consideration of the matter and determines the maximum amount for temporary parking on Loton Park for all A-League events for 2007/08 only, to be \$35,000 (payable in advance on a monthly basis);*

OR;

- (iii) *NOT APPROVE of the request from PG Partnership, trading as Perth Glory Football Club (PGFC), for the free use of temporary parking on Loton Park for events at Members Equity Stadium for the following reasons;*
 - (a) *PGFC has entered into a new Deed of Licence for use of Members Equity Stadium and was aware (or should have been aware) of its conditions of use;*
 - (b) *all users of Members Equity Stadium are required to pay for temporary parking and to provide free use to one party would create a precedent and an inequity;*
 - (c) *income derived from temporary parking is used to offset the cost of maintenance and upkeep of Loton Park.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

At 7.45pm

Moved Cr Messina, Seconded Cr Lake

That Standing Orders be suspended to allow free and open debate.

PROCEDURAL MOTION TO SUSPEND STANDING ORDERS
PUT AND CARRIED (6-3)

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

Discussion ensued and questions and answers were provided.

At 8.06pm

Moved Cr Lake, Seconded Cr Ker

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

Moved Cr Farrell, Seconded Cr Messina

That the Recommendation with clause (ii) be adopted and the amount be changed from \$35,000 to \$15,000.

Debate ensued.

MOTION PUT AND CARRIED (6-3)

<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	

COUNCIL DECISION ITEM 10.4.11

That the Council APPROVES the request from PG Partnership, trading as Perth Glory Football Club, for a re-consideration of the matter and determines the maximum amount for temporary parking on Loton Park for all A-League events for 2007/08 only, to be \$15,000 (payable in advance on a monthly basis).

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the request from PG Partnership, trading as Perth Glory Football Club, for free use of temporary parking on Loton Park.

BACKGROUND:

On 28 March 2007, the Town was advised in writing that the PG Partnership had taken over Perth Glory Football Club as at 1 April 2007. A new Chief Executive Officer was appointed and commenced on 16 April 2007. As part of their assuming ownership of the Club, a number of discussions were held with the Stadium Managers, Allia Venue Management Pty Ltd. These discussions related to the use of Members Equity stadium and included the following;

1. Term of Licence.
2. "Clean" Stadium requirements.
3. Seating.
4. Catering Commission.
5. Pourage Rights.
6. Licence Fees.
7. Training Fees.
8. Use of Suites.
9. Office.
10. Event Costs.

Several meetings were held by the new owners with the Mayor and Chief Executive Officer, in an attempt to resolve the above matters (e.g. office, event costs, licence fees).

At the time of writing this report, the matter of PGFC's use of the existing office is still unresolved.

The Town has not been able to assist PGFC to secure the Members Equity Stadium office, as they had chosen to negotiate a new Deed of Licence (supposedly to obtain better terms and conditions). However, the office was included in the original Deed of Licence as part of the 20 year term for use by the former Perth Glory Football Club Pty Ltd.

This company was (and supposedly still is) owned by Nick Tana - the original owner of PGSC. However, it is understood that the original Deed of Licence is now unused and is held in abeyance.

As Council is aware, as part of the dispute settlement conditions in early 2004, and finalised in July 2007, the original PGSC was entitled to free use of temporary parking on Loton Park as follows;

- "1. Approximately 350 parking bays will be made available fee of charge to Perth Glory Soccer Club Pty Ltd Sponsors, Golden Members and Players in the Public Open Space (POS) adjacent to the multi-purpose stadium and Lord Street for all scheduled Perth Glory home games. Perth Glory Sponsors, Golden Members and Players will be permitted free parking in the POS on displaying a parking pass on entry provided by Perth Glory Soccer Club.
2. The Town of Vincent will be permitted to collect a fee from any other person attending a Perth Glory home game and parking a vehicle in the POS without a valid parking pass (subject to availability).
3. The Town of Vincent will be permitted to collect a fee from any person parking a vehicle in the POS for any event played at the multi-purpose stadium other than a Perth Glory home game.
4. The Town of Vincent will provide at the Town's cost, parking staff and will be entitled to collect all proceeds generated from parking in the POS. These funds will be contributed towards the maintenance of the POS."

New Deed of Licence

In early July 2007, the Town received a new Deed of Licence signed by PGP and Allia. This Deed of Licence (together with Deeds of Licence for Western Australian Rugby League (WARL) and Rugby WA) were considered and approved with Conditions at the Stadium Committee meeting held on 17 July 2007. (Refer to Item 10.4.2 for Stadium Committee Meeting Minutes.)

All three Deeds include the following clause in respect to Parking;

6.13 Parking

- (a) *The Licensee acknowledges that, subject to **clause 6.13(b)**, street and other parking is not controlled by the Manager (Allia) but is subject to the control of and direction by the Licensor (Town). The Licensee will take all steps necessary to ensure compliance with any direction by the Licensor in respect to parking.*
- (b) *Parking on the day of the Event in the Stadium Car Park and the Stadium Parking Area shall be controlled by the Manager, although it is agreed that the Licensor's Parking Bays shall be made available at all times for the Town and the Licensee shall be entitled to use the Stadium Car Park and the Stadium Parking Area for the Event.*
- (c) *Temporary parking on Loton Park Parking Area A will be provided to the Licensee for the date of the Event in accordance with the Parking Management Plan, and, it is agreed that the Licensee must pay the Licensor for using car bays in Loton Park Parking Area A, the relevant fees being a charged in accordance with the Parking Management Plan, provided that Loton Park Parking Area A shall not be made available for this purpose if the Committee determines in accordance with the Parking Management Plan that, due to deterioration of the grass surface of Loton Park Parking Area A, use of that area for parking is not permitted for the Event.*
- (d) *If parking at Loton Park Parking Area A is not available for an Event because the Committee has made a determination under **clause 6.13(c)**, and if the Licensor has not (acting bona fide) committed the use of the Brisbane Street Car Park for other purposes on the relevant date, then the Licensor shall allow the Licensee to use all of the parking bays that are located at the Brisbane Street Car Park for parking during the Event, provided that the Licensee pays the Licensor all costs reasonably incurred by the Licensor in making the Brisbane Street Car Park available, which costs shall include the following:*
 - (i) *electricity (without any mark-up);*
 - (ii) *the costs of employing any staff or contractors (without any mark-up);*
 - (iii) *any reasonable operational costs (without any mark-up); and*
 - (iv) *unless the Licensee is holding the Event for charitable purposes, a fee for each car bay charged in accordance with the Licensor's relevant parking management plan, being the fee which is the usual fee for the Brisbane Street Car Park." [Emphasis added.]*

Parking Fees

At the Ordinary Meeting of Council held on 24 July 2007, the Council considered the matter of parking at Members Equity Stadium and resolved as follows;

"That the Council;

- (i) *APPROVES the Parking Management Plan 2007/08, as shown in attached Appendix 10.1.17;*
- (ii) *APPROVES the implementation of a Residential Parking Zone, operating at all times throughout the year, in the area surrounding Members Equity Stadium, bounded approximately by West Parade, Parry, Harold, William, Brisbane and Stirling Streets, but excluding:*
 - *Stirling Street, between Bulwer Street and Parry Streets;*
 - *Brisbane Street, between William and Bulwer Streets;*
 - *Brewer Street, between Thorley and Stirling Streets;*
 - *Dalmeny Street;*
 - *Edward Street, between Stirling and Parry Streets; and*
 - *Pier Street, between Parry and Brewer Streets,**as shown on the attached Plan 2447-PP-2; and*
- (iii) *Prohibits parking on Parry Street (on both the southern and northern sides), between Stirling and Lord Streets; and*
- (iv) *AUTHORISES the Chief Executive Officer to invite potentially affected residents on the southern side of Summers Street to apply for residential and visitor parking permits; and*
- (v) *AUTHORISES the Chief Executive Officer to negotiate with Allia Venue Management Pty Ltd, the most appropriate arrangement for the control of temporary parking on Loton Park on event days."*

The Budget 2007/08 has the following fees;

Vehicle with One (1) person	\$15.00
Vehicle with Two (2) persons	\$14.00
Vehicle with Three (3) persons	\$12.00
Vehicle with Four (4) persons	\$11.00
Vehicles with more than Four (4) persons	\$10.00

Town costs for Rangers to control temporary parking on Loton Park vary from \$500 to \$850 and income in previous years has been approximately \$3,500 per game.

On 6 August 2007, Perth Glory Football Club wrote to the Town as follows;

*"Nick Catania
Mayor
Town of Vincent
244 Vincent Street
Leederville 6007*

Via: Email

6 August 2007

Dear Nick

Re: Event Day Parking – Loton Park

I am writing with regard to the new charge being imposed on Perth Glory for the use of Loton Park as a parking facility on club event days for the coming season.

It was brought to my attention on Monday 30 July, that a new fee would be introduced for the use of this parking, which has historically been provided to the club free of charge.

Finding this out less than a month prior to the commencement of our season means we have missed any opportunity to recoup funds for the parking charges. The funds proposed are a considerable amount when combined over our entire season and something that we would need to seriously budget and account for prior to the commencement of this financial year.

As in the past, our pricing structures were based on the historical data and parking management plan available to us and as such, everything pointed to the parking being provided by the Town to Perth Glory free of charge.

As you are aware, the club is looking to re-build following two very lean years both financially and on the field. Given this current position, we ask that you review your decision to impose this fee for the coming year.

Thank you for your consideration and we look forward to your positive response.

*Kind regards,
Scott Gooch
Chief Executive Officer*

cc: John Giorgi"

Reasons for Waiving Fees (or reducing them)

1. PG Partnership (PGP) is a new entity and is trying to revive the interest of football (soccer) at Members Equity Stadium.
2. PGP have not included the parking fees in their budget and therefore have little opportunity to recover the loss during 2007/08.
3. PGP claim they were unaware of the fees until after they had negotiated and signed the new Deed of Licence.
4. The use of Members Equity Stadium does provide an economic flow-on effect into the local business precinct - this is unquantified as to the amount.
5. An amount of \$35,000 (based on \$8 per vehicle - \$30,000 plus employee costs of \$4,200) is a fixed amount which the Club can plan to recover throughout the season.
6. The Club is prepared to acknowledge the Town as a sponsor, if the fees are waived.

Reasons for Not Waiving or Reducing the Parking Fees

1. The Town has an obligation to treat all Stadium users fairly and equally and if it agrees to reduce or waiver the fees for PGP, it would find it difficult not to agree to other Stadium users' requests (i.e. WARL, Rugby WA).
2. The decision would create a precedent.
3. The Town would lose between \$35,000-\$48,250 in revenue.
4. The Town is required to maintain Loton Park to a high standard (as it is used for warm up purposes) and incurs considerable expenditure for this.
5. It has always been the Town's position that temporary parking on Loton Park is subject to payment of fees (and this is included in the Standard Deed of Licence).
6. PGP is a private business and it is incumbent on them to full investigate their business proposals before they sign legal documents (i.e. carry out their business case "due diligence").

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

As new Deeds of Licence have been necessary following the sale of the former Perth Glory Soccer Club Pty Ltd and the Football Federation of Australia on-selling the Perth Glory Club, the previous condition of free temporary parking on Loton Park on event days for the A-League is no longer applicable.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011, Key Result Area 1.1.6 - *"(e) Review, implement and promote the Car Parking Strategy"* and Key Result Area 2.1.5 *"Develop business strategies that reduce reliance on rates revenue"*.

FINANCIAL/BUDGET IMPLICATIONS:

As this will be the first year that A-League events will attract a fee for temporary parking on Loton Park, it is envisaged that additional income of approximately \$45,000 to \$48,250 per annum will be achieved (based on eleven (11) games in the season). Should Finals be played in early 2008, additional income would also be received. The Town's administration has not included these monies in the Budget 2007/08, therefore it will be additional revenue.

The following is the income/expenditure for Loton Park:

Item	Year		
	2006/07	2005/06	2004/05
Income	17,9979	23,488*	14,129*
Expenditure	71,465	59,596	47,087
Loss	(53,486)	(36,108)	(32,958)

(* Parking income for Loton Park not separately accounted for.)

COMMENTS:

Whilst the PGP have indicated that they have already issued their 2007/08 memberships and there is little opportunity to recover the parking monies, it is considered for the reasons outlined in the report that the Council not approve of the request to waive the fees. However, it is the Council's prerogative to give consideration to reduce the fees or set a maximum account (e.g. \$30,000, \$35,000 or \$40,000).

10.1.14 No. 742 (Lot 30) Newcastle Street, Leederville - Proposed Ongoing Extended Trading Permit for the Leederville Hotel

Ward:	South	Date:	8 August 2007
Precinct:	Oxford Centre; P4	File Ref:	ENS0053, PRO0630
Attachments:	001		
Reporting Officer(s):	M Fallows, M Wood		
Checked/Endorsed by:	S Teymant	Amended by:	R Boardman, John Giorgi

CORRECTED CHIEF EXECUTIVE OFFICER'S AND DIRECTOR DEVELOPMENT SERVICES' RECOMMENDATION:

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding the Leederville Hotel's Extended Trading Permit Application with an extended trading period proposed for Friday and Saturday nights from Midnight to 1:00am, and Sunday nights from 10:00pm to 11:00pm at No. 742 (Lot 30) Newcastle Street (Leederville Hotel), Leederville;*
- ~~(ii) *CONDITIONALLY SUPPORTS the Extended Trading Permit (ETP) Application for Friday and Saturday nights from Midnight to 1:00am subject to the ETP requiring a lockout of the premises to occur between Midnight and 1:00am (close), whereby existing patrons are permitted to remain at the premises but whereas no additional patrons are permitted to enter the premises;*~~
- (ii) *DOES NOT SUPPORT STRONGLY OPPOSES the Extended Trading Permit Application for Friday and Saturday nights from Midnight to 1:00am, as well as Sunday nights between 10:00pm and 11:00pm for the following reasons:*
 - (a) the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of activities occurring at the licensed premises;*
 - (b) disorderly conduct occurs frequently in the vicinity of the licensed premises on the part of the persons who have resorted to the licensed premises, which is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity; and*
 - (c) the extension of trading hours is not in keeping with the proposed objectives and future direction of the Leederville Masterplan for the future re-development of the Leederville Town Centre; ; and*
 - (d) consideration of the objections received from ratepayers in the vicinity of the Leederville Hotel; and*
- (iii) *ACKNOWLEDGES the Western Australian Police (WAP) objection to the approval of Extended Trading on Sundays between 10:00pm and 11:00pm, on the grounds of low patronage;*
- (iv) *ADVISES the Department of Racing, Gaming and Liquor, WA Police and the Leederville Hotel proprietor of its decision; and*

(v) **AMENDS Policy No. 4.1.5 - Community Consultation - Guidelines and Policy Procedure:**

"2. **NON-STATUTORY AND GENERAL CONSULTATION / COMMUNICATION"** - (Page 15 of 63) - to read as follows;

Subject	Legislation	Minimum Requirement	Additional Consultation or Notification
EXTENDED TRADING PERMIT APPLICATIONS – LICENSED PREMISES	Policy HLTH3	<p>New Applications: Letter to owner(s) and occupier(s) of residential properties within 200 metres <i>or</i> wherever applicable a specified distance (as determined by the CEO) of the premises. A detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour [to reasonable levels] associated with the premises shall be submitted to and approved by the Town).</p> <p>Renewals: At discretion of Manager, Health Services in liaison with Executive Manager, <i>Environmental and Development Services Director Development Services, in consultation with Chief Executive Officer.</i></p> <p><u>Due consideration will be given to:</u></p> <p>(a) <u>the number of complaints relating to the licensed premises in the preceding twelve (12) months before the application expiry date; and</u></p> <p>(b) <u>the extent of the area to be the subject of consultation to be determined taking cognisance of (a) above.</u></p>	

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

Moved Cr Farrell, Seconded Cr Ker

That the corrected recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.14

That the Council;

- (i) ***RECEIVES*** the report regarding the ***Leederville Hotel's Extended Trading Permit Application with an extended trading period proposed for Friday and Saturday nights from Midnight to 1:00am, and Sunday nights from 10:00pm to 11:00pm at No. 742 (Lot 30) Newcastle Street (Leederville Hotel), Leederville;***
- (ii) ***STRONGLY OPPOSES*** the ***Extended Trading Permit Application for Friday and Saturday nights from Midnight to 1:00am, as well as Sunday nights between 10:00pm and 11:00pm for the following reasons;***
 - (a) *the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of activities occurring at the licensed premises;*
 - (b) *disorderly conduct occurs frequently in the vicinity of the licensed premises on the part of the persons who have resorted to the licensed premises, which is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity; and*
 - (c) *the extension of trading hours is not in keeping with the proposed objectives and future direction of the Leederville Masterplan for the future re-development of the Leederville Town Centre; ; and*
 - (d) *consideration of the objections received from ratepayers in the vicinity of the Leederville Hotel; and*
- (iii) ***ACKNOWLEDGES*** the ***Western Australian Police (WAP) objection to the approval of Extended Trading on Sundays between 10:00pm and 11:00pm, on the grounds of low patronage;***
- (iv) ***ADVISES*** the ***Department of Racing, Gaming and Liquor, WA Police and the Leederville Hotel proprietor of its decision; and***
- (v) ***AMENDS*** ***Policy No. 4.1.5 - Community Consultation - Guidelines and Policy Procedure;***

"2. NON-STATUTORY AND GENERAL CONSULTATION / COMMUNICATION" - (Page 15 of 63) - to read as follows;

Subject	Legislation	Minimum Requirement	Additional Consultation or Notification
EXTENDED TRADING PERMIT APPLICATIONS – LICENSED PREMISES	Policy HLTH3	New Applications: Letter to owner(s) and occupier(s) of residential properties within 200 metres <i>or</i> wherever applicable a specified distance (as determined by the CEO) of the premises. A detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour [to reasonable levels] associated with the premises shall be submitted to and approved by the Town).	

		<p>Renewals: At discretion of Director Development Services, in consultation with Chief Executive Officer.</p> <p>Due consideration will be given to:</p> <p>(a) the number of complaints relating to the licensed premises in the preceding twelve (12) months before the application expiry date; and</p> <p>(b) the extent of the area to be the subject of consultation to be determined taking cognisance of (a) above.</p>	
--	--	--	--

ADDITONAL INFORMATION:

In this case, for renewal of the Leederville Hotel application for extended trading permit, consultation was not carried out, due to oversight by the Officers.

Consultation letters have now been distributed to property owners in the vicinity of the premises, including Carr Place, advising of the request and the Town's position to strongly oppose the licence renewal application.

In view of the above, it is recommended that the Consultation Policy be amended so that the decision making for consultation is made at a more senior level.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that the Leederville Hotel located at No. 742 (Lot 30) Newcastle Street, Leederville has applied to the Department of Racing, Gaming and Liquor (DRGL) to renew its existing Extended Trading Permit in relation to Friday and Saturday nights from Midnight to 1:00am and Sunday nights from 10:00pm to 11:00pm.

BACKGROUND:

Numerous complaints were received regarding noise and anti-social behaviour at the Leederville Hotel during the period July 2005 to April 2006. The complaints resulted in the Town of Vincent convening a number of public meetings in 2005, with the matter thereafter being reported at the Ordinary Meeting of Council on 8 November 2005. The Council resolution (Item 10.1.13) was as follows:

"COUNCIL DECISION ITEM 10.1.13

That the Council;

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

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

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

- (d) *upon receiving the reports, submit a report to Council to consider if Section 117 Complaints should also be lodged against one or more of those relevant liquor licensed establishments;*
- (viii) *AUTHORISES the Chief Executive Officer to take legal action or counsel that may become necessary as a consequence of the lodgment of the complaint; and*
- (ix) *prior to lodging a formal complaint REQUESTS that the Licensee of the Leederville Hotel voluntarily consent to immediately undertake the following measures to minimise the impact of its patrons on Carr Place residents and these to be included in the reviewed conditions of its liquor license as follows:*
 - (a) *implements measures to ensure that patrons depart the hotel via the rear entrance to the Leederville Hotel Car Park subject to management plans to advise in conjunction with Council Officers;*
 - (b) *implements measures to promote the use of the Town's Leederville Oval Car Park at night; and*
 - (c) *continues the current security patrol of two Crowd Controllers with visible or reflective clothing on Wednesday, Friday, Saturday and Sunday evenings between 11.00pm to 1.00am at the Hotel's expense until at least the end of the current use, when a restaurant use is implemented as advised; and for this to be agreed in writing to the Town and the Director Liquor Licensing prior to Friday 25 November 2005;*
 - (d) *reviews its activities on Wednesday nights; and*
 - (e) *considers the provision of a courtesy bus services to transport late-night patrons from the venue; and*
- (x) *that a meeting be held between the owners and operators of licensed premises within the Leederville area and Council Officers to discuss anti-social behaviour."*

DETAILS:

The owner of the Leederville Hotel (Pent Pty Ltd) submitted an application to the Department of Racing, Gaming and Liquor on 17 May 2007 for an Extended Trading Permit (Ongoing Extension of Hours) in accordance with the *Liquor Control Act 1988*. The Department of Racing, Gaming and Liquor invited comments from the Town on 30 July 2007 requesting that any objections or interventions to the proposal be submitted by 22 August 2007.

In addition to the application, the Leederville Hotel has provided the Town with a copy of their Public Interest Assessment (PIA), which details the conceptual public benefits of having an Extended Trading Period. The Town's Officers have also consulted the WA Police regarding this matter. The PIA is included as an attachment to this Agenda Report.

With regard to the above application, there are four logical options in relation to extended trading on Friday and Saturday nights from Midnight to 1:00am and on Sunday nights from 10:00pm to 11:00pm. These options are as follows:

- A. Recommend approval of extended trading hours, without condition; or
- B. Recommend approval of extended trading hours not be supported; or

- C. Recommend approval of extended trading hours conditionally, on the provision that a lockout of the Leederville Hotel premises occurs between Midnight and 1:00am (close) on Friday and Saturday nights whereby patrons are permitted to remain at the premises but whereas, no additional patrons are permitted to enter the premises; or
- D. Recommend approval of extending hours on Sunday nights between 10:00pm and 11:00pm not be supported.

Comment on each of the above options is as follows:

Option A: Approval Without Condition

Approval without condition provides *'increased flexibility for patrons who appreciate the one hour extension to the time in which they may take advantages of the provision of liquor services at the Leederville Hotel, in circumstances that they do not wish to continue their evening at a night club.'* (Public Interest Assessment).

~~Both the Town of Vincent Officers and WA Police believe that this application should not be approved without condition, hence the introduction of a third option that more adequately addresses anti-social behaviour and traffic control issues.~~

Option B: Disapproval of Extended Trading Hours

The Leederville Hotel is a highly popular venue with a large patron capacity and, as such, has the potential to create concerns within the venue's vicinity with regard to noise, anti-social behaviour, crowd control, security and traffic management.

The Public Interest Assessment submitted by the Leederville Hotel, details the Hotel's perspective as to why extended trading hours should be approved. It is noted that the Leederville Hotel has implemented a Business Management Plan to ensure effective management practices of the above issues. The Hotel has not been proactive in developing relationships with nearby residents. It does attend regular Vincent Accord and Western Liquor Accord meetings. ~~ensuring a more effective relationship with WA Police Service and the Town of Vincent.~~ It is considered that the Hotel Management responds on a reactive basis from the Town and other regulatory authorities.

However, it cannot be ignored that there is a detailed complaint history associated with the venue and that this history, combined with the large number of patrons permitted to occupy the premises at any given time, increases the probability for problems to occur, at or around the Leederville Hotel, when compared to many other smaller venues.

Option C: Approval With Condition

The Leederville Hotel claims that their existing Extended Trading Permit (Permit No. 17382) allows for a more gradual dispersion of patrons at the end of the night. The Leederville Hotel describes this as being beneficial as it allows the venue to stagger its closing times, which helps to create a buffer, for public transport (to assist in dealing with Perth's current taxi shortages), thus decreasing loitering in the area and subsequent anti-social behaviour issues.

The Officer in Charge of Wembley Police Station contacted the Town via email on 6 August 2007 stating the following:

'With the Friday and Saturday nights there is only one issue I want to raise: The portion of the premises to where the extended permit applies be subject to LOCKOUT (no entry from 12 midnight). Whilst the hotel in doing this on a voluntary basis, I believe it should become part of the license conditions. This way the hotel cannot attract new patrons after midnight under any circumstances and assists with the TAXI problem and other anti-social issues.'

~~It is anticipated that a lockout of the premises from Midnight until close, combined with staggering of the venue shutdown, will assist in dealing with anti-social behaviour, crowd control, public transport inadequacies, in addition to negating the adverse effect of accepting patrons from other licensed premises.~~

Option D: Objection to Extended Trading on Sundays

It is acknowledged that WA Police Services have indicated their objection to the approval of an Extended Trading Permit on Sundays between 10:00pm and 11:00pm. The Officer in Charge of Wembley Police Station contacted the Town via email on 6 August 2007 stating the following:

'We would object to the Sunday extended permit due to lack of patrons the hotel attracts that day. Our patrols find very few patrons inside the premises and numbers of less than 10 are the norm. We do not have any trouble during this extended trading period, however with limited patronage question why extended trading is required?'

In view of the above response, it is recommended that the extended trading period for Sunday nights not be supported. ~~but that one-off Extended Trading Permits be supported for Sunday nights preceding a Public Holiday, upon application.~~

CONSULTATION/ADVERTISING:

The Department of Racing, Gaming and Liquor has issued a General Notice that advertises the Leederville Hotel's intention to apply for an ongoing Extended Trading Permit. The Town of Vincent have received a formal letter from the Department of Racing, Gaming and Liquor requesting that any objections or interventions be submitted by 22 August 2007.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011 - *Natural and Built Environment – 1.1.4 Minimise negative impacts on the community and environment.*

LEGAL POLICY:

- Liquor Control Act 1988; and Environmental Protection (Noise) Regulations 1997.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Administration acknowledges that the Leederville Hotel is an integral part of the Leederville entertainment precinct. ~~and that there is benefit in the Leederville Hotel being able to retain its current extended trading hours. With regard to the complaint history associated with the Leederville Hotel, this can be addressed with the Council's support of the Leederville Hotel being issued a conditional ongoing Extended Trading Permit requiring a 12-midnight lockout.~~

~~With reference to the aforementioned options, it is recommended that option C – 'Recommend approval of extended trading hours conditionally' and option D – 'Recommend approval of extending hours on Sunday nights between 10:00pm and 11:00pm not be supported', are adopted. The recommendations to the Council at the beginning of this report, take into consideration these discussed options and also WA Police Services input.~~

Chief Executive Officer's and Director Development Services' Comments:

The Chief Executive Officer and Director Development Services have amended this report by strongly opposing the renewal of the existing Extending Trading Permit in relation to Friday and Saturday nights from Midnight to 1:00am and Sunday nights from 10:00pm to 11:00pm. Complaints continue to be received from members of the community that the amenity, quiet and good order of the neighbourhood of the Leederville Hotel is frequently unduly disturbed by reasons of activities occurring at the licensed premises. Allegations are also made that disorderly conduct occurs frequently in the vicinity of the licensed premises and on the part of persons who have resorted to the licensed premises, which is unduly offensive, annoying, disturbing and inconvenient to persons who reside in the vicinity. It is considered that the reporting Officers have not given sufficient consideration to the complaints which have been received.

These concerns primarily relate to noise, anti-social behaviour, crowd control, security and traffic management. There is a detailed complaint history associated with the venue and that this history, combined with the large number of patrons permitted to occupy the premises at any given time, increases the probability for problems to occur, at or around the Leederville Hotel, when compared to many other smaller venues.

The following complaints have recently been received from businesses and residents in the locality of the Leederville Hotel:

DATE	COMPLAINT
4 January 2006	Anti-social behaviour on Carr Place on 28 December 2005. Police arrest involved. Complaint from local business.
20 April 2006	Amplified music on Wednesday nights from 8:30pm. Complaint from resident of Tower Street, West Leederville
3 May 2006	Amplified music on Wednesday nights from 9pm. Complaint from resident of Tower Street, West Leederville
11 May 2006	Noise complaint from resident of Brentham Street, Leederville.
14 May 2006	Noise Letter and Antisocial Behaviour Complaint from resident of Carr Place, Leederville.

Chief Executive Officer's and Director Development Services' Comments Continued:

15 June 2006	Noise complaint from resident of Kimberley Street, West Leederville.
5 December 2006	Amplified music on Tuesday 5 December 2006. Complaint from resident of Woolwich Street, West Leederville
8 April 2007	Anti-social behaviour on Carr Place. Complaint from resident of Carr Place, Leederville

Leederville Masterplan – Future Amenity of the Area

It is considered that the application for extension of trading hours is not in keeping with the objectives and future direction of the Leederville Masterplan which is currently being advertised for public consultation. These objectives include;

“to deliver or facilitate a sustainable, functional and invigorated Town Centre with a high level of amenity which is safe, healthy and attractive”

“to minimise undue conflict between activities”

“to facilitate community and social activities where people can meet and interact”

With the future redevelopment of Leederville which will provide a number of additional residences, the potential for conflict and complaint will be increased. This can be minimised/avoided if the existing trading hours are maintained.

Management Strategies

It is considered that the Hotel Management has not provided or demonstrated sustained strategies to deal with anti-social behaviour and complaints which occur in the vicinity of the Hotel.

Until the Hotel Management can demonstrate continued and sustained strategies to address behaviour of patrons outside the premises, the extension of trading hours should not be approved.

10.1.4 No. 122 (Lots 90 and 91 D/P: 1823) Angove Street, North Perth - Proposed Alterations and Additions to Existing Shop and Associated Signage (Application for Retrospective Approval)

Ward:	North	Date:	7 August 2007
Precinct:	Charles Centre; P07	File Ref:	PRO1184; 5.2006.355.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, 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 Cheong on behalf of the owner A Cristea for proposed Alterations and Additions to Existing Shop and Associated Signage (Application for Retrospective Approval) at, No. 122 (Lots 90 and 91 D/P: 1823) Angove Street, North Perth, and as shown on plans stamped 18 July 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) windows, doors and adjacent areas fronting Angove and Farmer Streets shall maintain an active and interactive relationship with these streets;*
- (iv) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the removal of the sliding gate along the southern Angove Street boundary and its replacement with a visually permeable fence that complies with the Town's Visual Sight Line Truncations - Driveways and Rights of Ways (ROW's) Policy No. 2.2.12 to ensure adequate visibility of pedestrians on the footpath by the driver of a motor vehicle exiting from the adjacent Tyre Distribution and Motor Vehicle Repair Shop.*

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

- (v) the floor area of the Shop shall be limited to 165.9 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;*

- (vi) *within three (3) months of the issue date of this 'Approval to Commence Development', the existing metal support structure for the proposed signage, above the awning shall be removed and the decorative rendered parapet wall along the top of the Angove Street façade shall be reinstated. Prior to the commencement of works a Building Licence shall be submitted to and approved by the Town;*
- (vii) *within three (3) months of the issue date of this 'Approval to Commence Development', the three former openings along the Farmer Street façade shall be reinstated. It is noted that the new extant awning has been lowered and extended along the Farmer Street elevation and dissects these windows and that it may be necessary to lower the levels of the windows. Prior to the commencement of works a Building Licence shall be submitted to and approved by the Town;*
- (viii) *within three (3) months of the issue date of this 'Approval to Commence Development', the existing awning shall be reduced in width to comply with the Town's Local Law relating to Verandahs and Awnings Over Streets, which requires no part of any verandah or awning to project from the building line for more than ~~3 metres~~ or 600 millimetres less than the width of the footpath, whichever is the lesser and shall demonstrate a minimum clearance of 2,750 millimetres above the footpath in accordance with the Building Regulations 1989 requirements. Prior to the commencement of works a Building Licence shall be submitted to and approved by the Town;*
- (ix) *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, and thereafter implemented and maintained; and*
- (x) *within two (2) months of the issue date of this 'Approval to Commence Development', an additional significant appropriate design feature shall be installed on the solid portion of the limestone wall adjacent to Angove Street, 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 the design feature shall be submitted to and approved by the Town prior to its installation.*

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

Moved Cr Farrell, **Seconded** Cr Messina

That the corrected recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 8.22pm.

Debate ensued.

Cr Torre returned to the Chamber at 8.25pm.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.32pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.35pm.

AMENDMENT

Moved Cr Lake, Seconded Cr Messina

That clause (vi) be amended by deleting the words “and the decorative rendered parapet wall along the top of the Angove Street façade shall be re-instated”.

AMENDMENT PUT AND CARRIED (9-0)

AMENDMENT

Moved Cr Lake, Seconded Cr Ker

That clause (vii) be deleted.

AMENDMENT PUT AND CARRIED (8-1)

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

MOTION AS AMENDED PUT AND CARRIED (7-2)

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

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 D Cheong on behalf of the owner A Cristea for proposed Alterations and Additions to Existing Shop and Associated Signage (Application for Retrospective Approval) at, No. 122 (Lots 90 and 91 D/P: 1823) Angove Street, North Perth, and as shown on plans stamped 18 July 2006, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) *windows, doors and adjacent areas fronting Angove and Farmer Streets shall maintain an active and interactive relationship with these streets;*
- (iv) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the removal of the sliding gate along the southern Angove Street boundary and its replacement with a visually permeable fence that complies with the Town's Visual Sight Line Truncations - Driveways and Rights of Ways (ROW's) Policy No. 2.2.12 to ensure adequate visibility of pedestrians on the footpath by the driver of a motor vehicle exiting from the adjacent Tyre Distribution and Motor Vehicle Repair Shop.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies;
- (v) *the floor area of the Shop shall be limited to 165.9 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;*
- (vi) *within three (3) months of the issue date of this 'Approval to Commence Development', the existing metal support structure for the proposed signage, above the awning shall be removed. Prior to the commencement of works a Building Licence shall be submitted to and approved by the Town;*
- (vii) *within three (3) months of the issue date of this 'Approval to Commence Development', the existing awning shall be reduced in width to comply with the Town's Local Law relating to Verandahs and Awnings Over Streets, which requires no part of any verandah or awning to project from the building line for more than 600 millimetres less than the width of the footpath and shall demonstrate a minimum clearance of 2,750 millimetres above the footpath in accordance with the Building Regulations 1989 requirements. Prior to the commencement of works a Building Licence shall be submitted to and approved by the Town;*
- (viii) *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, and thereafter implemented and maintained; and*
- (ix) *within two (2) months of the issue date of this 'Approval to Commence Development', an additional significant appropriate design feature shall be installed on the solid portion of the limestone wall adjacent to Angove Street, 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 the design feature shall be submitted to and approved by the Town prior to its installation.*

ADDITIONAL INFORMATION:

The Town's Officers assessed the awning in context with the current Local Law relating to Verandahs and Awnings Over Streets. There is an anomaly between the Local Law and the Building Regulations where the Local Law specifies a minimum clearance of 2.4 metres above the footpath while the Building Regulations 1989 prescribes 2.75 metres. The above clause has been amended to ensure compliance with Building Regulations, which requires the minimum clearance of awnings over footpaths to be 2.75 metres.

The condition has further been modified to remove the words, which draw reference to the maximum projection for an awning, which is 3 metres. As per the Assessment Table the awning complies with the required maximum 3 metre projection from the building line and does not comply with the 600 millimetres minimum setback requirement from the footpath perimeter. The reference to the maximum 3 metre projection has been removed to avoid confusion.

Landowner:	A Cristea
Applicant:	D Cheong
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Light Industry
Use Class:	Shop
Use Classification:	"P"
Lot Area:	642.62 square metres
Access to Right of Way	N/A

BACKGROUND:

The subject site is occupied by a shop, tyre distribution centre and a motor vehicle repair shop. A detailed site history of the place is provided below. A City of Perth archival record search was undertaken, which resulted in no records for the subject shop, which is adjacent to the tyre distribution centre and motor vehicle repair shop being located.

16 September 1971 The tyre distribution centre was approved in 1971, with the following conditions imposed:

- “(i) *the use hereby permitted shall be carried out without detriment to the residential amenities of the locality and the amenities of the adjoining dwelling in particular;*
- (ii) *no part of the premises to be used for tyre re-capping;*
- (iii) *at the time of the development a landscaped strip at least 3 feet in width shall be provided along the full length of the boundary between Lots 89 and 90 and the area so set aside shall be laid out and planted and thereafter maintained to the approval of the Council; and*
- (iv) *at the time of the development, the car parking accommodation indicated on the submitted plan shall be laid out and constructed, paved and drained and the spaces marked out and constructed on the site and the accommodation so provided thereafter maintained as parking and circulation space, all to the approval of the Council.”*

The letter of approval also refers to the “*conditions of approval as endorsed on approved plans*” which read:

- “(i) *comply with the requirements of the Metropolitan Water Supply, Sewerage and Drainage Board;*
- (ii) *comply with the Council’s Health Department;*
- (iii) *comply with the requirements of the Chief Inspector of Shops and Factories;*
- (iv) *comply with the requirements of the W.A. Fire Brigades Board;*
- (v) *the use hereby permitted shall be carried out without detriment to the residential amenities of the locality and the amenities of the adjoining dwelling in particular;*
- (vi) *no part of the premises to be used for tyre recapping;*
- (vii) *at the time of the development, the car parking accommodation indicated on the submitted plan shall be laid out and constructed, paved and drained and the spaces marked out and constructed on the site and the accommodation so provided thereafter maintained as parking and circulation space, all to the approval of the Council;*
- (viii) *the open portions of the site shall not be used for storage purposes;*
- (ix) *toilet facilities to be provided in accordance with Health Department regulations; and*
- (x) *on site parking for six cars to be provided.”*

21 August 1998

The Town received a complaint regarding the use of the premises and whether an approval had been issued. A site inspection revealed that motor vehicle repair shop had been established on the premises and additional structures had been built without planning or building approval.

24 March 1999

The owner/operator of tyre distribution centre submitted an application for the existing motor vehicle repair use on the site.

28 June 1999

Having regard to impact on the amenity of the area and the objections received from the period of community consultation, the Council at its Ordinary Meeting refused the above application and resolved to advise the applicant that the unauthorised motor vehicle repair usage was to cease and the unauthorised associated structure be removed from the site within 6 months.

7 April 2000

A further application for the unauthorised motor vehicle repair use was received.

- 13 July 2000 A Section 10 Notice was served on the owners of the subject property to cease the motor vehicle use and install the required landscaping.
- 25 July 2000 The Council at its Ordinary Meeting refused the application for the unauthorised motor vehicle repairs (existing unauthorised use) received on 7 April 2000.
- 25 July 2000 The landowner lodged a copy of the appeal documents against the serving of the Notice with the Town.
- 18 December 2000 The then Minister for Planning, Graham Kierath MLA dismissed the Section 10 Notice issued against the use of the subject place as a motor repair shop on the basis that the Town issue a list of requirements for the continual operation of the motor vehicle repair shop. An extract from the Minister's letter regarding the decision is provided below:
- "it is evident that the motor repair shop provides a service in the local community and there is some doubt about the seriousness of the amenity problem. The planning issues associated with the tyre distribution centre have existed on the site for over thirty years and the issues associated with the motor repair shop for over ten years."*
- 16 January 2001 Following the determination of the appeal against the Town's issue of a Section 10 Notice against the unauthorised use of a motor vehicle repair shop, the following conditions for the development were imposed by the Council under delegated authority:
- "(i) no recapping or retreading of tyres, panel beating, spray painting or chassis reshaping being undertaken on the site;*
 - (ii) no vehicular access being gained from Farmer Street;*
 - (iii) the crossover on Farmer Street being removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense. The rear wall of the building being continued west to ensure no access is gained to Farmer Street from the motor vehicle repair building;*
 - (iv) the existing building being repainted within six months. A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the painting works being undertaken;*
 - (v) the trading hours of the motor vehicle repairs operation being restricted to 7:00am to 6.00 pm Monday to Friday and 7.30 am to 1.00 pm Saturday. Trading on Sundays and public holidays is not permitted;*
 - (vi) a maximum of one motor vehicle mechanic operating at the premises at any one time;*

- (vii) *a maximum of two work bays operating at the premises at any one time;*
 - (viii) *a minimum of one car parking bay for the motor vehicle repair operation being provided on-site at right angles to Angove Street. The car parking bay(s) being line-marked and clearly identified for the use of motor vehicle repair patrons;*
 - (ix) *all equipment associated with the motor vehicle repair operation and vehicles being repaired are to be totally contained within the motor vehicle repair building; and*
 - (x) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- to the satisfaction of the Chief Executive Officer."*

- 4 September 2001 In response to a request for the arbitration on Condition (iii) from the above conditions, the Minister For Planning and Infrastructure, the Honourable Alannah MacTiernan resolved to amend the subject condition to read as follows:
- (iii) *the crossover on Farmer Street being removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division at the applicant's owners full expense."*
- 17 February 2006 The Town received an application for alterations and additions to the subject tyre distribution centre and motor vehicle repair use shop, which is the subject of another Agenda Report being present to the Council at this Ordinary Meeting.
- 1 June 2006 The Town received a letter of complaint regarding building works that were being undertaken at the shop component of the subject place, which is adjacent to the tyre distribution centre and motor vehicle repair use shop. These works encroached onto the road reserve.
- 28 June 2006 The Town wrote to the owner of the place regarding unauthorised alterations and additions to the existing shop at the subject site. These works included; the replacement of the awning, replacement of the ceiling, removal of windows and flooring and the partial removal of walls. The Town advised the applicant to stop all building works and to apply to the Town for retrospective planning approval. A structural engineers report was requested confirming the structural integrity of the work that had been undertaken.
- 18 July 2006 The Town received an application, which is the subject of this Agenda Report being presented at this Meeting of Council, for alterations and additions to existing shop (application for retrospective approval).

DETAILS:

The proposal involves alterations to the existing shop, which is located along the western end of No. 122 (Lots 91 and 90) Angove Street, North Perth. Adjacent to the subject place and contained within the subject site are a tyre distribution centre, which straddles both Lots 90 and 91 and a motor vehicle repair shop, which is contained in Lot 90. The owner commenced works to the subject place in 2006, without obtaining planning approval.

ASSESSMENT:

Requirements	Non-Compliant Requirements		Community Comments
	Required	Proposed	
Building Facades	Non-Residential/Residential Development Interface Policy No. 3.4.3 - active and interactive street frontages that are safe, convenient and enhance the streetscape.	Windows on the northern elevation (Farmer Street) have been bricked up.	Not supported - as it is considered to impact on the streetscape and surrounding amenity. A condition to reinstate the Farmer Street façade has been included in the Officer Recommendation.
	Shop Fronts and Front Facades to Non-Residential Buildings Policy No. 3.5. 15 - The bricking up of shop fronts and painting glass windows/fascias is not permitted.	As above.	As above.
Street Walls and Fences Policy No. 3.2.5	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 (as determined by the Town of Vincent) to reduce the visual impact – for example, open structures, recesses and/or planters facing the road at regular intervals and varying finishes.	1.65 metres high limestone wall with one design feature, in the form of a row of coloured tiles.	Not Supported - as per the Street Walls and Fences Policy No. 3.2.5 two design features are required to be installed. Conditioned to comply.
Signs and Advertising Policy No. 3.5.23 Projecting Signs	The total signage area is not to exceed 10 percent of the total area of the building wall in which that signage is located.	South - 13 per cent. West - 37 per cent. North - 0.09 per cent.	Not supported - as it is considered to impact on the streetscape and surrounding amenity. A proposal that complies with the Town's Signage Policy is able to be

			accommodated on the subject building
	Limited to a maximum of one projecting sign per tenancy on a lot other than any projecting signs which are attached to the fascia of a verandah or the like.	3 projecting signs attached above an awning.	As above.
	Not to exceed 2 metres in length or exceed a vertical dimension of 500 millimetres.	South - 0.9 metre vertical by 7.5 metres in length. North - 0.9 metre vertical by 7.4 metres in length. West - 0.9 metre vertical by 3.4 metres in length.	As above.
Local Law Relating to Verandahs and Awnings Over Streets	No part of any verandah or awning shall project from the building line for more than 3 metres or for more than 600 millimeters less than the width of the footpath, whichever is the lesser	The awning projects 2 metres from the building line and is set back 400 millimetres from the footpaths adjacent to Farmer and Angove Streets.	Not supported -as it is considered to impact on the streetscape and surrounding amenity. A condition to reduce the width of the awning has been included in the Officer Recommendation.
Consultation Submissions			
Support	Nil.		Noted
Objection (2)	<ul style="list-style-type: none"> • There is no intended use for the shop. It appears to be an extension of the existing Mechanics Business. • It appears there will be a large amount of signage which will create an unattractive frontage. • It is unclear how the Town can assess the application when it does not know the use to which the application premises will be put 		<ul style="list-style-type: none"> • Not supported - as the proposal is for alterations and additions to the existing shop. No change of use is proposed. Any change of use would require an application for planning approval. • Supported - as the proposed signage support structure has been conditioned to be removed and the parapet wall reinstated. • Not Supported - as the Town's Officers have assessed the application in accordance with its

	<p>and thus the standards under the Town Planning Scheme, which will apply.</p> <ul style="list-style-type: none"> The relevant statements in the Town's Non-Residential/Residential Development Interface Policy including 'that the non-residential uses do not impact on the amenity of the existing nearby dwellings.' The new canopy on the northern side of building is unnecessary as it does not cover the main entrance. The large proposed signage would detrimentally affect the amenity of the area to a level that is not acceptable. The large signs sit above the roof and have no relation to the architectural design of the premise. 	<p>current use, which is a shop. Any change of use will require a new planning application.</p> <ul style="list-style-type: none"> Not supported - as the adjacent tyre distribution centre and motor vehicle repair shop were approved by the former Minister for Planning and Infrastructure on 18 December 2000, for the reasons stated in this Agenda Report. Not supported - as it is not considered to impact on the streetscape and surrounding amenity. Supported - as the proposed signage support structure has been conditioned to be removed and the parapet wall reinstated. As above.
Other Implications		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Car Parking		
<p>Car Parking Requirement -</p> <ul style="list-style-type: none"> Tyre Distribution Centre: 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of display and sales area or part thereof; (163.15 square metres) = 3 car bays Motor Vehicle Repair: 3 spaces per each working bay provided;(2 working bays) = 6 car bays Shop: 1 space per 15 metres square of gross floor area; (165.9 square metres) = 11.06 car bays Total 20.06 car bays. (to the nearest whole number) 		
Apply the adjustment factors:	(0.8075)	

<ul style="list-style-type: none"> • 0.95 (within 400 metres of an existing public car parking place within excess of 25 car parking spaces); and • 0.85 (within 400 metres of a bus stop) 	16.15 car bays
Minus car parking on-site	Nil.
Minus the most recently approved on-site car parking short fall. (Refer to 'Comments')	16.15 car bays
Resultant Surplus/Shortfall	Nil See 'Comment' section below.

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

COMMENT:

As outlined earlier in the report, a City of Perth archive search did not return any documents relating to any former approved use of the place. The Town's Officers acknowledge that the subject shop has been prejudiced by the development of a tyre distribution centre and motor vehicle repair shop, which has not been endorsed by the Council or the Town's Officers in the past. The development of the tyre distribution centre and motor vehicle repair shop has removed the ability for the existing shop to provide any form of compliant car parking on-site.

Notwithstanding this, it is to be noted that when the Honourable Minister for Planning and Infrastructure dismissed the Section 10 Notice against the use of a portion of the subject property as a motor repair shop, he effectively approved a significant shortfall in parking for all the uses on-site. In his letter dated 18 December 2000, the former Minister acknowledged that the buildings on-site included a '*shop and facilities used as a tyre distribution centre and a motor vehicle repair shop*'. The endorsement of the motor vehicle repair shop precluded the provision of the required amount of car parking as the entire block had been developed with no vacant space for car parking spaces.

It is considered that the alterations and additions, with the exception of the proposed signage support structure, are supportable subject to the proposed conditions, which have been provided to address site interaction to Farmer Street, and the non-compliant width of the awning and visual truncations. As per the Officer Recommendation, it is recommended that the proposed support structure for the signage be removed and the parapet wall reinstated to provide balance and articulation to the Angove Street façade.

10.1.13 No. 182 (Lot 511) Newcastle Street, Dual Frontage to Washing Lane, Northbridge - Proposed Mixed Use Development, Comprising Four (4) Commercial Units and Five (5) Multiple Dwellings - Land within the East Perth Redevelopment Authority (EPRA) Area

Ward:	South	Date:	8 August 2007
Precinct:	Adjacent to Beaufort; P13	File Ref:	PRO2980
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

the Council ADVISES the East Perth Redevelopment Authority (EPRA) that it DOES NOT SUPPORT the Proposed Mixed Use Development, Comprising Four (4) Commercial Units and Five (5)Multiple Dwellings at No. 182 (Lot 511) Newcastle Street, Dual Frontage to Washing Lane, Northbridge, and as shown on plans stamp dated 26 July 2007, 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 is not of a scale or density compatible with the existing streetscape and does not relate to the height, bulk or form of the single storey dwelling, adjacent to the eastern side of the subject place at Lot 510 Newcastle Street, Northbridge;*
- (iii) the proposed car parking area does not comply with the relevant Australian Standards and requires further consideration; and*
- (iv) the location of bin store area is considered insufficient for the expected use and this area should be enclosed.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-4)

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

PURPOSE OF REPORT:

The property is within the Town of Vincent, therefore, EPRA has referred the subject development application to the Town for comment.

BACKGROUND:

24 July 2007

An Agenda Report was prepared for the proposed development for consideration by the Council at its Ordinary Meeting. Prior to the Ordinary Meeting, EPRA advised that the applicant had submitted amended plans and thus the matter was withdrawn. The previous proposal comprised twelve multiple dwellings.

DETAILS:

The subject site at No. 182 (Lot 511) Newcastle Street, Northbridge is currently vacant, and is under the planning jurisdiction of East Perth Redevelopment Authority (EPRA). Whilst the site is within the planning jurisdiction of EPRA, it is also within the Town of Vincent and is adjacent to the Town's Beaufort Precinct.

The proposal involves the construction of a contemporary mixed use development, which comprises four commercial units and five multiple dwellings. The multiple dwellings comprise one single bedroom dwelling, one two-bedroom dwelling and three three-bedroom dwellings.

The proposed development presents as a three storey building along the Newcastle Street frontage and as a four storey building to Washing Lane. Access to the under-croft car parking facility is off Washing Lane.

The following variations are being sought, from EPRA's Village Northbridge Design Guidelines for the Lindsay Street Precinct:

- The required site coverage is 80 per cent, and the proposed site coverage is 88 per cent.
- The required height of the development is to be restricted to 9 metres or two-storeys. The proposed development comprises four storeys at a maximum height of 11.9 metres to Washington Lane.
- Density of R100, allows a potential of 4.27 dwellings. The single bedroom dwelling exceed the maximum plot ratio floor area of 60 square metres. This extra floor area is considered acceptable, subject to the dwellings being built in accordance with the proposed floor layout.
- The front setback is required to be consistent and sympathetic with the setbacks of the adjoining existing building. The development is set in front of and is significantly taller than the single storey dwelling, located along the eastern side of the subject site at Lot 510 Newcastle Street, Northbridge, which is on EPRA's Heritage List.
- The applicant has staggered the arrangement of the tenancies along the ground floor, with the frontage of commercial tenancy No. 2, which is adjacent to the eastern boundary, being setback 4.54 metres from the street. The applicant has also curved the façade in an attempt to reduce the impact of the development on the property at Lot 510 Newcastle Street, Northbridge.
- An overshadowing diagram was not provided to ascertain the extent of impact on the adjoining dwelling.

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

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

East Perth Redevelopment Act 1991;
East Perth Redevelopment Scheme, 1992; and
The Village Northbridge Lindsay Street Precinct Guidelines.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Building Services

The Town's Building Services have advised that the application is non-compliant with some of the Building Code of Australia (BCA) provisions. To achieve full compliance with the BCA, the applicant may wish to appoint a private Building Consultant to prepare a BCA Assessment Report. The Town's Building Services have advised that Officers will be available to discuss this matter further with the applicant and that a Building Licence will be required for the proposed development.

Technical Services

The Town's Technical Services have reviewed the scope of the works and have advised that there are some non-compliant issues with the car parking arrangement as outlined below:

- Car parking bays marked 1, 2 and 3 are on a sideways slope of 1 in 10.4 (10 per cent). The maximum permissible slope allowed for parking bays, as set out in Australian Standards 2890.1, is 1 in 16 (6.25 per cent). Therefore, bays 1, 2 and 3 cannot be supported as it is in direct contravention of Standards.
- Car parking bay marked 1 has insufficient manoeuvring room. This car bay cannot be supported as it will create a hazard when vehicles utilising this bay enter and exit the building.
- Bays marked 13 and 14 have no apparent function as they are too small to accommodate a motor cycle. These bays appear to not be integral to the parking arrangements, so a comment on their intended function is required or they should be deleted.
- Bin Storage area as marked on the plan is only capable of storing 5 bins. For a development of this size, the Town requires 13 bins, as outlined below:
 - 1 rubbish bin per residential unit (5), as well as crates to service residential recycling;
 - 1 rubbish bin per commercial unit (per 200 square metres) and 1 recycling bin (per 200 square metres);
 - For collection once per week (or equivalent); and
 - The bin storage area is required to be enclosed.

Health Services

Health Services have advised that an acoustic consultants report will be required to be submitted prior to the issue of a Building Licence.

Car Parking

EPRA's Lindsay Street Precinct Guidelines require a maximum of 1 car bay per 70 metres square for office developments and 1 car bay per dwelling. The subject development, which comprises 387 square metres of commercial floor area, requires a maximum of 5.6 car bays for the commercial component and 5 car bays for the residential component. A total of 10.6 car bays are required. The subject development proposes eleven car parking bays, of which three are considered not to comply with the Australian Standards.

Summary

The Town's Officers acknowledge that the proposed development reflects current development trends further along Newcastle Street and acknowledge that the revised plans for the development have attempted to address non-compliance with the Village Northbridge Design Guidelines for the Lindsay Street Precinct. However, the development is not of a scale or density compatible with the existing subject streetscape and does not relate to the height, bulk or form of the single storey dwelling, adjacent to the eastern side of the subject place at Lot 510 Newcastle Street, Northbridge. In addition to this, the proposed car parking area is non-compliant with the Australian Standard requirements and will require further redesign and development. In light of the above, the proposal is not recommended for approval as per the Officer Recommendation.

10.1.15 Review of Town of Vincent Town Planning Scheme No. 1 – Progress Report No. 5

Ward:	Both Wards	Date:	8 August 2007
Precinct:	All Precincts	File Ref:	PLA0144
Attachments:	001		
Reporting Officer(s):	B McKean, D Abel		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES Progress Report No. 5 relating to the review of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *ENDORSES the revised timeline and Gantt chart relating to the review of Town Planning Scheme No. 1 as outlined in Appendix 10.1.15; and*
- (iii) *NOTES that the review of Town Planning Scheme No. 1 is programmed to be completed and the new Town Planning Scheme No. 2 gazetted by 30 June 2009.*

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

AMENDMENT

Moved Cr Chester, Seconded Cr Farrell

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

“(iv) UNDERTAKES to have a peer review performed on the Town Planning Scheme text, diagrams, process and associated documents to occur at the same time as the first formal advertising of the Scheme.”

Debate ensued.

The Mover Cr Chester (with the approval of the Seconder Cr Farrell) requested the amendment be withdrawn.

Moved Cr Chester, Seconded Cr Farrell

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

“That the Council RECEIVES a further report at the first meeting in October that considers the Town undertaking a peer review of the Draft Town Planning Scheme text and documentation with its supporting documents.”

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (8-1)

For
Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Maier
Cr Ker
Cr Lake
Cr Messina
Cr Torre

Against
Cr Chester

COUNCIL DECISION ITEM 10.1.15

That the Council:

- (i) *RECEIVES Progress Report No. 5 relating to the review of the Town of Vincent Town Planning Scheme No. 1;*
 - (ii) *ENDORSES the revised timeline and Gantt chart relating to the review of Town Planning Scheme No. 1 as outlined in Appendix 10.1.15;*
 - (iii) *NOTES that the review of Town Planning Scheme No. 1 is programmed to be completed and the new Town Planning Scheme No. 2 gazetted by 30 June 2009; and*
 - (iv) *RECEIVES a further report at the first meeting in October that considers the Town undertaking a peer review of the Draft Town Planning Scheme text and documentation with its supporting documents.*
-

PURPOSE OF REPORT:

To report to the Council on the progress of the review of Town Planning Scheme No. 1 and to adopt a revised timeframe in which to complete the review by 30 June 2008.

BACKGROUND:

27 May 2003 The Council at its Ordinary Meeting, inter alia, resolved to allocate \$40,000 in the 2003/4 Draft Budget for the purposes of 'Community Visioning'.

24 June 2003 The Council at its Ordinary Meeting resolved as follows:

"That the Council;

- (i) *receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
- (ii) *receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No.1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*
- (iii) *pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and*

Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process."

30 June 2005 A final Project Report of *Vincent Vision 2024* was delivered to the Town by the Project Consultant.

23 August 2005 The Council at its Ordinary Meeting resolved the following in relation to community visioning:

"That the Council;

- (i) RECEIVES the Progress Report, Project Report, six (6) Vision Statements (Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, North Perth 2024, Perth 2024 and Mount Lawley/Highgate 2024) and associated documentation relating to the Community Visioning Project;*
- (ii) ACKNOWLEDGES the valuable time and effort expended by members of the Community Visioning Taskforce and Professional Panel in preparing the final draft vision statements, principles and guidelines relating to Vincent Vision 2024;*
- (iii) ADVISES the Western Australian Planning Commission that a final Project Report and six (6) vision statements relating to Vincent Vision 2024 has been received and is in accordance with the Communities Program Project Funding Agreement, and FORWARDS a copy for its consideration;*
- (iv) ADOPTS the community's vision statements and guiding principles of Vincent Vision 2024 as contained in Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, Perth 2024, North Perth 2024 and Mount Lawley/Highgate 2024;*
- (v) CONSIDERS the vision statements and guiding principles of Vincent Vision 2024 in any future review of the Town of Vincent's Town Planning Scheme No.1, Strategic Plan, Plan for the Future (Principal Activities Plan) and annual budget, and the Sections' Business Plans; and*
- (vi) AUTHORISES the Chief Executive Officer to:*
 - (a) make available the final Project Report and Vision Statement documents to those who directly participated in the project and prepare an Executive Summary that will be made available to the public and distributed to those involved;*
 - (b) develop key strategies focusing on the short-term (2006-2010) and longer term (2006-2020) for each of the five places with direct relationship to the Town's Strategic Plan, Plan for the Future and annual budget and the Sections' Business Plans;*

- (c) *display the final Project Report and Vision Statements documents in the Town's Civic and Administration Centre, Library and Beatty Park Leisure Centre, with copies available for distribution;*
- (d) *develop a Community Engagement and Information Strategy to ensure information channels remain open between the Town and the community in terms of the vision statements and guiding principles of Vincent Vision 2024;*
- (e) *facilitate a Community Presentation and Launch of the Vincent Vision 2024 final Project Report and Vision Statement documents to celebrate the community's participation and to outline the key findings and next steps of Vincent Vision 2024;*
- (f) *identify appropriate funds through the 2005/2006 Budget Review process to facilitate the above Vincent Vision 2024 Community Presentation and Launch event;*
- (vii) *AMENDS page 19 of the Vincent Vision 2024 Project Report dated June 2005 prior to clauses (iii) and (vi) being actioned, as follows:*
 - “Transport*
 - ...*
 - Significantly ~~less~~ more households in Vincent have no motor vehicle...”; and*
- (viii) *DISCUSSES the matter at a Forum.”*

13 September 2005 The Council at its Ordinary Meeting received Progress Report No.1 in relation to the review of Town Planning Scheme No.1 and authorised the Chief Executive Officer to list discussion of the matter at an Elected Members Forum to be held in October 2005.

18 October 2005 The Town Planning Scheme Review was discussed at an Elected Members Forum.

11 April 2006 The Council at its Ordinary Meeting received Progress Report No. 2 in relation to the review of Town Planning Scheme No.1.

12 September 2006 The Council at its Ordinary Meeting received Progress Report No. 3 in relation to the review of Town Planning Scheme No.1.

21 November 2006 The Council at its Ordinary Meeting resolved to establish a Town Planning Scheme Review Committee.

14 December 2006 Meeting 1 of the Town Planning Scheme Review Committee.

The Town Planning Scheme Review Committee resolved the following:

Committee Decision Item No. 1.

"That in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.12 of the Local Government Act 1995, the Town Planning Scheme Review Committee APPOINTS BY AN ABSOLUTE MAJORITY Councillor Doran-Wu as Deputy Presiding Member."

Committee Decision Item No. 2

"That;

- (i) the Town Planning Scheme Review Committee meets on 1 and 15 February 2007 and 1, 15 and 29 March 2007, as detailed in Appendix Item 2; and*
- (ii) meetings be held at the Town's Administration and Civic Centre (Committee Room) at 6.00pm on the dates as detailed in Appendix Item 2."*

Committee Decision Item No. 3

"That;

- (i) the Committee RECEIVES Progress Report No.1 relating to the Town Planning Scheme Review;*
- (ii) the Committee RECEIVES the updated Gantt chart as outlined in Appendix Item 3 (a);*
- (iii) the Committee RECEIVES the draft indicative structure of the new Town Planning Scheme maps as outlined in Appendix Item 3(b);*
- (iv) the Gantt chart be AMENDED in order that the remaining Committee meetings receive and review the respective documentation, with the revised documentation to be adopted at the subsequent Committee meeting; and
(b) the amended Gantt chart be referred to the next Committee meeting for consideration and adoption by the Committee; and*
- (v) a report be REFERRED to the Ordinary Meeting of Council to be held on 23 January 2007 that addresses a time and resource effective process relating to the status and function of the draft Residential Design Elements Policy in the context of the current Town Planning Scheme, and the new town planning scheme when the new scheme is promulgated."*

23 January 2007 The Council at its Ordinary Meeting resolved the following:

"That the Council;

- (i) RECEIVES the Unconfirmed Minutes of Town Planning Scheme Review Committee meeting held on 14 December 2006, as shown in Appendix 10.4.2; and*

- (ii) *ACCEPTS the recommendations of the Town Planning Scheme Review Committee.*"

1 February 2007 Meeting 2 of the Town Planning Scheme Review Committee.

The Town Planning Scheme Review Committee resolved the following:
Committee Decision Item 6.1

"That in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.12 of the Local Government Act 1995, the Town Planning Scheme Review Committee APPOINTS BY AN ABSOLUTE MAJORITY Mayor Nick Catania as Presiding Member."

Committee Decision Item 6.2

"That;

- (i) *the Committee RECEIVES the draft Local Planning Strategy relating to the Town Planning Scheme Review distributed on 22 December 2006;*
- (ii) *the Committee PROVIDES COMMENTS relating to the draft Local Planning Strategy to the Town's Officers no later than 7 February 2007; and*
- (iii) *that a representative from the Department for Planning and Infrastructure be invited to attend the next scheduled meeting of the Town Planning Scheme Review Committee to be held on 15 February 2007 to discuss population projections and their implications on the Town."*

15 February 2007 Meeting 3 of the Town Planning Scheme Review Committee – Presentation by representatives from the Department for Planning and Infrastructure on 'Network City'.

1 March 2007 Meeting 4 of the Town Planning Scheme Review Committee.

The Town Planning Scheme Review Committee resolved the following:

Committee Decision Item 6.1

- "(i) RECEIVES the draft Local Planning Strategy - Community Precinct Concepts for Mount Hawthorn and North Perth distributed on 22 December 2006; and*
- (ii) PROVIDES COMMENTS relating to the draft Local Planning Strategy - Community Precinct Concepts for Mount Hawthorn and North Perth to the Town's Officers no later than 8 March 2007;"*

And subsequent motion;

- "(i) REQUESTS that a revised timeline and related report be prepared and presented to the next Town Planning Scheme Review Committee meeting; and*

- (ii) *REQUESTS that the Town's Officers prepare a report to be considered at the next Town Planning Scheme Review Committee meeting, outlining the implications of the recent municipal boundary changes on the progression of the Town Planning Scheme Review.*"

Furthermore, the Committee decided to defer receiving and commenting on the draft Local Planning Strategy – Community Precinct Concepts for Leederville/West Perth and Mount Lawley/Highgate.

15 March 2007

Meeting 5 of the Town Planning Scheme Review Committee.

The Town Planning Scheme Review Committee resolved the following:

Committee Decision Item 6.2

"That the Committee;

- (i) *RECEIVES Progress Report No.2 to the Town Planning Scheme Review Committee;*
- (ii) *ENDORSES the updated Gantt chart relating to the Town Planning Scheme Review as outlined in Appendix Item 6.2; and*
- (iii) *REQUESTS that the Chief Executive Officer to prepare a report to be considered at the next Ordinary Meeting of Council addressing the following:*
- (a) *the merits of extending the Town Planning Scheme Review Committee versus establishing an Advisory Group to further consider the Town Planning Scheme Review;*
- (b) *a draft Community Consultation Strategy that will be developed and implemented as part of the Town Planning Scheme Review process; and*
- (c) *a revised timeline for the Town Planning Scheme Review, that considers - a community consultation phase prior to the draft new Town Planning Scheme and Local Planning Strategy being submitted to the Western Australian Planning Commission and Minister for Planning and Infrastructure for consent to advertise; Draft Streetscape Policy; and the Council Elections timeframe."*

Committee Decision Item 6.3

"That the Committee receives:

- (i) *RECEIVES the report relating to the Municipal Boundary Change –Status in terms of the Town Planning Scheme Review and related attachment; and*
- (ii) *AUTHORISES the Chief Executive Officer to forward a letter to the East Perth Redevelopment Authority (EPRA) requesting*

information in relation to the current and future planning for those areas currently under the planning jurisdiction of EPRA which will form part of the Town of Vincent as of 1 July 2007.”

Furthermore, the Committee decided to defer receiving and commenting on draft Local Planning Strategy - Community Precinct Concepts for Mount Hawthorn, North Perth (Residential Areas) and Perth.

27 March 2007 The Council at its Ordinary Meeting resolved the following in relation to the establishment of a Town Planning Scheme Review Advisory Group:

“That;

- (i) the Item be DEFERRED to allow meetings to be arranged with the Elected Members and administration on two (2) separate days (i.e. in late April/early May and June/July). These sessions are to be open to the public. Information for discussion to be prepared and distributed two (2) weeks prior to each meeting. Any questions and comments from Elected Members to be submitted at least one week prior to the meeting date; and*
- (ii) in addition the above, the Chief Executive Officer be REQUESTED to provide a revised timeline and Agenda for the meetings”.*

29 March 2007 Meeting 6 of the Town Planning Scheme Review Committee.

The Town Planning Scheme Review Committee resolved the following:

Committee Decision Item 6.1

“That the Committee;

- (i) RECEIVES the draft Local Planning Strategy - Community Precinct Concepts for Mount Hawthorn, North Perth (Residential Areas) and Perth distributed on 22 December 2006;*
- (ii) PROVIDES COMMENTS relating to the draft Local Planning Strategy - Community Precinct Concepts for Mount Hawthorn, North Perth (Residential Areas) and Perth to the Town’s Officers no later than 9 April 2007; and*
- (iii) AUTHORISES the Chief Executive Officer to investigate alternative measures to address car parking and cash-in-lieu for car parking for commercial development in the area adjacent to William Street between Brisbane Street and Newcastle Street, particularly given the limited scope to provide on-site car parking.”*

Furthermore the Committee decided to defer receiving and commenting on the draft Policy relating to Residential Streetscapes and the draft Local Planning Strategy – Community Precinct Concepts for Mount Lawley/Highgate.

- 19 May 2007 Elected Members Meeting regarding the Town Planning Scheme Review as requested at the Ordinary Meeting of Council held on 27 March 2007. The following matters were discussed: progress of Town Planning Scheme review; Eton Locality and possible options, streetscapes and possible options, and clause 40 of Town Planning Scheme No. 1 - general discretion and possible options.
- 12 June 2007 The Council at its Ordinary Meeting resolved the following in relation to the draft Residential Design Elements Policy:
- “That this item be DEFERRED to the next meeting as there were numerous changes indicated by Elected Members for this item.”*
- The Council at its Ordinary Meeting resolved the following in relation to the proposed Residential Streetscapes Policy, Residential Subdivisions Policy and Single Bedroom Dwellings Policy:
- “That the Council RECEIVES Progress Report No. 1 - Proposed Residential Streetscapes Policy, Residential Subdivisions Policy, and Single Bedroom Dwellings Policy.”*
- 26 June 2007 The Council at its Ordinary Meeting received Progress Report No. 4 in relation to the review of Town Planning Scheme No.1.

DETAILS:

The purpose of this report is to provide the Council with an update on the progress of the Town Planning Scheme review and to provide a timeframe in which to complete the review by 30 June 2008.

An updated Gantt chart demonstrating the key actions, status, timeframes, costs and allocated resources to progress the Town Planning Scheme review and complete the review and facilitate the new Town Planning No. 2 to be gazetted by 30 June 2009 is included as Appendix 10.1.15 to this Agenda Report for the Council’s consideration.

CONSULTATION/ADVERTISING:

There is a statutory requirement to advertise the draft new Town Planning Scheme for 3 months.

LEGAL/POLICY:

There is a statutory requirement for the Town to commence a review of its Town Planning Scheme No.1 every five years, and to bring this to completion as soon as practicable. The statutory provisions relating to a Town Planning Scheme and its review are prescribed in the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Objective 1.1 Improve and Maintain Environment and Infrastructure:

...

“1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.

...”

FINANCIAL/BUDGET IMPLICATIONS:

The 2007/2008 Budget lists \$60, 000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

Statutory Timeframes

The *Town Planning Regulations 1967* prescribe statutory processes/timeframes for reviewing a Town Planning Scheme. These statutory timeframes occur particularly after the new Town Planning Scheme No. 2 is referred to the Western Australian Planning Commission and Minister for Planning and Infrastructure for consent to advertise Town Planning Scheme No. 2. These statutory timeframes have been reflected in the revised Gantt Chart for Council's consideration.

Planning Policies

The revised Gantt Chart reflects the time period and resources required to review the Town's Planning Policies as part of the Town Planning Scheme review. The Gantt Chart also addresses the draft Residential Design Elements Policy, Residential Streetscapes Policy, Residential Subdivisions Policy and Single Bedroom Dwellings Policy, which are currently being prepared by the Town's Officers.

Most of the Town's Planning Policies will be reviewed, amended and prepared by the Town's Officers. However the Affordable Housing Strategy, Residential Design Elements Policy review and the Local Planning Strategy - commercial component audit will be out-sourced to consultants.

Invitations for quotations to develop the Town's Affordable Housing Strategy were sent to five (5) consultants and no submissions were received. The Town's Officers are currently addressing this issue and will be inviting additional consultants for quotations to develop this Strategy.

Resources

The revised Gantt Chart indicates that the Town's current strategic Planning Officers will be working full time on the review of the Town Planning Scheme and its associated tasks to complete the project by 30 June 2009.

Notwithstanding the above, it is considered imperative that an additional full-time strategic Planning Officer be employed to 30 June 2009 to undertake the 'day to day' strategic planning duties, such as reports for agency referrals, Council Notices of Motion, other strategic planning initiatives, progress reports, general enquiries, and the like. This additional temporary Officer is essential for the Town Planning Scheme review to be completed by 30 June 2009.

In order to further compress the timeframe such that the new Town Planning Scheme No. 2 can be gazetted at an earlier date, the option of appointing planning consultants to undertake all or specific components of the remaining tasks of the Town Planning Scheme review was considered. It was considered that the appointment of planning consultants was not the most appropriate option for various reasons, including the following:

- (i) It will take at least two (2) months to prepare a project brief and quotation documentation, allow a quotation period, and for the Council to endorse the project brief and appoint the consultant(s). In addition, the Officers' time will be diverted from undertaking Town Planning Scheme review tasks to prepare these documents.
- (ii) The Town's Officers, namely the Manager Planning, Building and Heritage Services, will need to ensure that the consultants truly reflect the enormous work undertaken to date in relation to not only the Town Planning Scheme review, but also Vincent Vision 2024. It is considered that this alignment will be more effective if the Town's Officers, some of which was directly involved with these projects, undertake the remaining stages of the Town Planning Scheme review.
- (iii) The Town will need to be assured that the consultants will deliver a product that meets the expectations of the Council, the Town's Officers and the community. It is the Town's Officers' vision to deliver not a new Town Planning Scheme that is based on the Model Scheme Text, but an innovative and outcome focus best practice Town Planning Scheme that delivers the outcomes of Vincent Vision 2024.
- (iv) The Town Planning Scheme review undertaken by the Town's Officers will not only build corporate knowledge, skills and experience, but also engender greater ownership and understanding of the new Scheme by the Officers which will deliver a high quality processing, assessment and determination of development applications - resulting in higher quality developments.
- (v) It is not expected that consultants will complete the project in a much lesser time than 30 June 2009, given the above, the time required for consultants to familiarise with the outcomes and work undertaken to date on the Town Planning Scheme review and Vincent Vision 2024, and a substantial proportion of the time is allocated to the statutory timeframes and the Western Australian Planning Commission and Hon. Minister for Planning and Infrastructure components.

Summary

The major milestones in the review of the Town Planning Scheme No. 1 are programmed as follows:

- 11 March 2008 – Report to Council to adopt the new Town Planning Scheme No. 2, Local Planning Strategy and Planning Policies; and
- 30 June 2009 – Gazettal of the Town's Town Planning Scheme No. 2.

It is recommended that the Council receives this progress report, endorses the revised timeline and Gantt Chart, and notes that the review of Town Planning Scheme No. 1 is programmed to be completed and the new Town Planning Scheme No. 2 gazetted by 30 June 2009.

10.2.5 Tender for the Supply, Installation & Commissioning of one (1) Automated Public Toilet at Axford Park Mount Hawthorn- Tender No. 370/07

Ward:	North	Date:	2 August 2007
Precinct:	Mt Hawthorn Centre P2	File Ref:	TEN0380
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	M Rootsey; R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by W.C. Convenience Management Pty Ltd for the Supply, Delivery and Commissioning of a Automated Public Toilet at Axford Park at a total cost of \$122,471 (exclusive GST) and in accordance with the specifications detailed in Tender No. 370/07 (refer details on appendix 10.2.5)

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Messina

That the Automated Public Toilet plus optional babies change table at a total cost of \$123,621 exclusive of GST be approved.

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

Moved Cr Maier, Seconded Cr Lake

That the colour of the proposed toilet be Town of Vincent Corporate Burgundy.

AMENDMENT PUT AND CARRIED (6-3)

For

Cr Chester
Cr Maier
Cr Ker
Cr Lake
Cr Messina
Cr Torre

Against

Mayor Catania
Cr Farrell
Cr Doran-Wu

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.5

That the Council:

- (i) *ACCEPTS the tender submitted by W.C. Convenience Management Pty Ltd for the Supply, Delivery and Commissioning of a Automated Public Toilet plus optional babies change table at Axford Park at a total cost of \$123,621 (exclusive GST) and in accordance with the specifications detailed in Tender No. 370/07 (refer details on appendix 10.2.5); and*
- (ii) *the colour of the proposed toilet be Town of Vincent Corporate Burgundy.*

BACKGROUND:

Tenders for the Supply, Delivery and Commissioning of an Automated Public Toilet at Axford Park closed at 2.00 pm on 1 August 2007 and one (1) tender was received.

DETAILS:

Details of the submission received from W.C. Convenience Management Pty Ltd for Tender No. 370/07 is as follows. The prices include GST.

Description	Price (excluding GST)
Supply & Delivery of one (1) Automated Public Toilet (as per specification)	\$90,103.00
Installation Cost	\$32,368.00
Total (exclusive GST)	\$122,471.00

Tender Evaluation

Selection Criteria

The following weighted criteria was used for the selection of the company to supply, deliver and commission the Automated Public Toilet as specified.

CRITERIA		WEIGHTING
1	Contract Price	50%
2	Demonstrated previous experience in the provision of products/services	20%
3	Organisational capacity to deliver product	20%
4	References from other persons/organisations	10%
TOTAL:		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Acting Director Technical Services, Craig Wilson, Manager Financial Services, Bee Choo Tan, and Manager Parks Services, Jeremy van den Bok.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	W.C. Convenience Management
Contract Price (50)	50
Demonstrated previous experience in the provision of products/services (20)	20
Organisational capacity to deliver product (20)	18
References from other persons/organisations (10)	9
Total	97
Ranking	1

W.C. Convenience Management Pty Ltd is the sole supplier of Exeloo automated public toilets within Australia and supply around 30 to 40 units per annum, mostly to local governments. To date, over 200 Exeloo's have been installed Australia wide, of which 150 units are still under contract for maintenance and servicing with the company.

Their units have previously been installed in various local governments in W.A. including the Cities of Perth, Subiaco, Gosnells, South Perth, Bunbury, Joondalup and Town of Port Hedland.

In discussion with officers from other Western Australian local governments, the company is very good to deal with and has an excellent record in supply, installation and ongoing maintenance of automated public toilets.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.5 Enhance and maintain parks and community facilities. *“(a) Ensure all Town services, playgrounds and facilities are universally accessible where practicable.”*

FINANCIAL/BUDGET IMPLICATIONS:

At its Ordinary Meeting held on 12 June 2007, it was decided (in part) that the Council:

- “(iii) APPROVES the revised proposal as outlined on attached Plan No plan No 2448-CP-5B and;*
- (a) proceeds with the installation of the self cleaning toilet, demolition of the existing building (and associated works) as the first stage of the project; and*

- (b) *determines the additional funds required to complete the project once the works as outlined in clause (iii)(a) have been completed;"*

The report indicated that the overall park upgrade works were estimated to cost in the order of \$205,000. A total of \$175,000 for the park upgrade has been allocated in the 2007/2008 budget.

Costs associated with supply and installation of the automated public toilet will be charged to the Axford Park Upgrade-capital works budget account. Costs associated with the ongoing maintenance of the automated public toilet, estimated to be \$3,800.00, will be charged against the Axford Park Building Cleaning maintenance budget.

COMMENTS:

It is therefore recommended that the Council accepts the tender submitted by W.C. Convenience Management Pty Ltd for the Supply, Delivery and Commissioning of one (1) Automated Public Toilet at Axford Park, at a cost of \$122,471 (excluding GST), in accordance with the specifications as detailed in Tender No. 370/07.

10.3.1 Financial Statements as at 30 June 2007

Ward:	Both	Date:	18 July 2007
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B C Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Provisional Financial Reports for the year ended 30 June 2007 as shown in Appendix 10.3.1.

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That the following amendment be made:

“(ii) requests that the Chief Executive Officer prepare a report to Council explaining the discrepancies to the Works Depot and Plant Operating Costs, the mechanism for determining and distributing plant and overhead costs, and what actions can take place in order to address Budget discrepancies.”

Debate ensued.

Cr Torre departed the Chamber at 8.53pm.

Debate ensued.

Cr Chester departed the Chamber at 8.55pm.

Debate ensued.

Cr Torre returned to the Chamber at 8.57pm.

AMENDMENT PUT AND CARRIED (8-0)

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

Cr Chester returned to the Chamber at 8.59pm.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

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

“(iii) that detailed reports providing provisional end of year figures at the same level of detail as the Annual Budget be provided to Elected Members upon request.

Debate ensued.

AMENDMENT PUT AND LOST (4-5)

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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.3.1

That the Council:

- (i) *RECEIVES the Provisional Financial Reports for the year ended 30 June 2007 as shown in Appendix 10.3.1; and*
- (ii) *REQUESTS that the Chief Executive Officer prepare a report to Council explaining the discrepancies to the Works Depot and Plant Operating Costs, the mechanism for determining and distributing plant and overhead costs, and what actions can take place in order to address Budget discrepancies.*

PURPOSE OF REPORT:

To present the provisional financial reports for the year ended 30 June 2007.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 June 2007.

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.

It is anticipated that the final accounts will be available at the second council meeting in October.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 20% over the budget for the year ending 30 June 2007.

General Purpose Funding (Page 1)

General Purpose Funding is showing 99.3% of the budget. This is due to interim rates being levied 46% below budgeted for the financial year. The interest income however has exceeded budgeted estimates by 32%.

Governance (Page 2)

Governance is showing 258% of the budget received to date; this is due the sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue of Law Order & Public Safety is just 2% under budget.

Health (Page 4)

Health is showing 10%, over budget this is due to 344 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco Dining.

Education & Welfare (Page 5)

Education and Welfare is now showing 17% below budget, this is as a result of the operating surplus Leederville Garden Retirement Village being 20% below budget.

Community Amenities (Page 6)

Community Amenities is 15 % above the year to date budget, this is the result of 608 planning applications being processed to date and the issue of non rateable and commercial properties for their refuse charges.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is above target at 4% above their revenue budget. Beatty Park Leisure Centre revenue is 73% of the total Recreation and Culture revenue budget and performing favourably with the centre year to date budget of 104%.

Economic Services (Page 12)

Economic Services is 42% over budget which is due to the increase number of 553 building licences issued compared to last year 487 licences.

Other Property & Services (Page 13)

The total revenue for Other Property & Services is 223% over the budget which is due the higher insurance claims for the year and lease on Tamala Park exceeded budget.

Operating Expenditure

Operating expenditure for the year is on budget.

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2006/07 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for year amount of \$10,087,727 which is 40% of the revised budget of \$25,119,045.

	Revised Budget	Actual to Date	%
Furniture & Equipment	96,800	43,053	44%
Plant & Equipment	905,925	573,317	63%
Land & Building	14,079,334	3,427,798	24%
Infrastructure	10,036,986	6,043,558	60%
Total	25,119,045	10,087,727	40%

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

The statement shows the current assets of \$19,660,777 and non current assets of \$120,183,171 for total assets of \$139,843,948.

The current liabilities amount to \$4,120,937 and non current liabilities of \$13,747,743 for the total liabilities of \$17,868,680. The net asset of the Town or Equity is \$121,975,267.

Restricted Cash Reserves (Page 27)

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

Debtors and Rates Financial Summary**General Debtors (Page 28)**

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

Sundry Debtors of \$300,995 is outstanding at the end of June. Of the total debt \$1,968 (0.7%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue. There were no debts over \$500 exceeding 60 days as at 30 June 2007.

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

Rate Debtors (Page 29)

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

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

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

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

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

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

Rates outstanding are \$319,385 which represents 2.07% of the outstanding collectable income compared to last year 2.16%.

Beatty Park – Financial Position Report (Page 30)

As at 30 June 2007 the operating deficit for the Centre was \$440,106 in comparison to the annual deficit of \$639,155.

It is pleasing to report that the cash position showed a current cash surplus of \$32,266 in comparison annual budget estimate of a cash deficit of \$81,056. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The closing surplus carry forward for the year to date 30 June 2007 was \$2,915,571.

Net Current Asset Position (Page 32)

The net current asset position is \$11,535,475.

Variance comment Report (Pages 33 to 36)

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

The Presiding Member, Mayor Nick Catania and Cr Messina declared a financial interest in this Item and departed the Chamber at 9.01pm.

Deputy Mayor, Cr Farrell assumed the Chair.

10.3.3 Investment Report as at 31 July 2007

Ward:	Both	Date:	1 August 2007
Precinct:	All	File Ref:	FIN0008
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 July 2007 as detailed in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

Mayor Nick Catania and Cr Messina were out of the Chamber.

The Presiding Member, Mayor Nick Catania and Cr Messina returned to the Chamber at 9.02pm and were advised that the Officer Recommendation had been carried.

The Presiding Member, Mayor Nick Catania assumed the Chair.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.3.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 31 July 2007 were \$13,838,406 compared with \$12,338,790 at 30 June 2007. At 31 July 2006, \$11,251,365 was invested.

Total accrued interest earned on Investments as at 31 July 2007:

	Budget	Actual	%
	\$	\$	
Municipal	535,000	30,391	5.68
Reserve	547,600	51,246	9.36

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

10.3.6 Mount Hawthorn Community Fair Day - Contribution

Ward:		Date:	6 August 2007
Precinct:		File Ref:	FIN8155
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES a contribution to Mount Hawthorn School for the Mount Hawthorn School Community Fair Day for an amount of \$2,500.

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Torre

That the amount of “2,500” be changed to “\$4,000”.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.3.6

That the Council APPROVES a contribution to Mount Hawthorn School for the Mount Hawthorn School Community Fair Day for an amount of \$4,000.

PURPOSE OF REPORT:

To seek approval for the request from the Mount Hawthorn School for a contribution to the Mount Hawthorn School Community Fair.

BACKGROUND:

The Community Fair Day will take place on the grounds of Mount Hawthorn School Campus on Sunday 11th November and will run all day, allowing for broad community participation.

The Mount Hawthorn School Community coordinates this Community Day on a biennial basis. This major event provides a unique opportunity for many of the parents to unite, for local businesses to be involved and for the broader community to come together and celebrate life in our community.

Mount Hawthorn School has been a dynamic part of the local community since 1906. There is a great diversity in religions and cultures at the school with many bilingual families and there are currently twelve languages identified in the lower primary school alone.

The Town's population has developed into a wonderfully rich melting pot of cultures and nationalities. In addition, the demographics in Mount Hawthorn shows that there has been a steady influx of young families move into the area.

The Community Fair Day is an opportunity to bring the school and wider community together to celebrate our diversity and the wonderful resources available.

The broader community is very supportive of this event, and in 2005 they were not able to accept all offers of entertainment as the schedule was filled up very quickly for the space allocated.

DETAILS:

For the Community Fair Day, this year it is planned to make it a larger community event. To do this we need to make the entertainment area bigger and better, so that more people and groups within the Town can be involved.

To enable to do this, a special designated area with stage, marquee, tables/chairs and umbrellas for ease of the performers and comfort of the audience is being planned.

The total budget for the event is \$12,744 and the Mount Hawthorn School is seeking a contribution of \$5,000 towards the funding of this year's Community Fair Day.

The Town has been requested to contribute to the following:

	\$
Hire of PA and Operator	950.00
Marquees	1,232.00
Chairs Tables Umbrella Hire	1,365.00
Dance Floor	495.00
Printing	518.00
St John's Ambulance	440.00
	<hr/>
	\$5,000.00

The school has not applied for a Seeding Grant application as the maximum amount available through this Grant is \$1,000 and has sought a direct application to the Town. There are a number of schools in the Town's boundary and a donation of this amount will lead to a precedent buy all with budget remifications if all Schools in the area, applied for similar funding. The Town did support the school with a \$5,000 contribution to their centenary celebrations last year, however it is considered that this was a significant occasion and the donation amount was in recognition of the centenary event.

Free Entertainment

The Fair will offer a diverse range of music and entertainment, some that will be for audiences to watch, others that will encourage community participation. The entertainment program will consist of a variety of acts including dancing, singing, the school band and theatre. Each act is sheduled for a 20 minute segment.

Another area is being developed and will be designated as the "green area" showcasing environmental ideas and businesses. The aim is to put the community in touch with the planet and what we all can do to make a difference.

There will be kids free art activities, including a “recycling corner”, which will include community people with artistic flair to encourage children (of all ages) to make artistic pictures/sculptures out of recycled materials.

There will also be games that are free for children to participate in.

Other Activities

Stalls will have a large variety including community information, preserves and plants to dress ups. Food and drinks will be available. The rides will range from gentle pony rides to climbing walls targeted towards the younger generation (and the young at heart).

The ability to hire equipment that will provide shade and seating will assist in ensuring that the day is more comfortable for community members.

The emphasis is on diversity, fun and community spirit.

Promoting the Event

The Community Fair will be promoted through a variety of ways.

All students, in which there are approximately 600 including the off site kindergarten will be encouraged to attend with their extended families through the school newsletter and on the P & C website. Community Newspapers will be approached to do a story promoting the event, Posters will be placed in local shopping centres and Community Libraries and dependent on funding printing of fliers will be distributed. Email invitations will be sent to our “past students” our contact database for this group is well over 200.

As in previous years, other local schools will be encouraged to promote the Fair in their school newsletter. Signage promoting the fair will also be erected on the school fence and hopefully on the bridge over Scarborough Beach Road outside the school.

Risk Mangement

Members of the “Fair Committee” have a broad range of community event experience and expertise. Many of the members were instrumental in the huge success of previous fairs and the school’s recent 100th year celebrations. In addition, community art projects, National performances such as Wakkakirri and school discos etc have been the responsibility and overseen by this collective group. All these events have been highly successful in participation, atmosphere and without incident. Mount Hawthorn parents are diverse in their skills and they form the basis of all working groups’ delegated specific responsibilities for these events. The Fair Coordinator Kay Raymond has over 15 year’s experience in managing community events. She is an expert at coordinating, delegating, networking, supporting and overseeing community events.

Previous experience in coordinating community events has established a body of knowledge in public safety. The very fact that this event is held on school premises where safety is paramount ensures a high level of risk management.

All equipment that will be hired will be from reputable companies with a certificate of currency produced on confirmation of booking. The P & C maintains comprehensive insurance cover.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Plan for the Future - Strategic Plan 2006-2011:

“3.1 Enhance community development and wellbeing;

3.1.1 Celebrate and acknowledge the Town’s cultural and social diversity; and

*3.1.1(a) Organise and promote community events and initiatives that engage
the community and celebrate cultural and social diversity of theTown.”*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$10,000 is included in the Governance Program of the 2007/08 Budget for Donation. In addition \$5,000 for Seeding Grants is included in the Donation allocation of \$52,000 in the Education and Welfare Program.

COMMENTS:

The Mount Hawthorn School Community Fair Day is a significant event for the school community which attracts a large response from the Community as seen from the success of the one held in 2005, where the school was not able to offer space to all those that applied. This year’s event has been planned to enable a bigger success with the event with a special designated area.

The school is seeking a donation/contribution that is significantly greater than the normal amounts allotted to such events. The Town has a number of schools within its boundary and an allocation of this size may set a precedent for other school events. It is acknowledged that this is a significant community event in the Mount Hawthorn area and that the event is currently held once every two (2) years. Accordingly, it is recommended that given the significance of this event in the Community, and that it is a biennial event, an amount of \$2,500 be approved.

10.3.7 North Metropolitan Regional Recreation Advisory Committee – Future Directions

Ward:	Both	Date:	6 August 2007
Precinct:	All	File Ref:	CMS0036
Attachments:			
Reporting Officer(s):	J. Bennett		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ADVISES the North Metropolitan Regional Recreation Advisory Committee (NMRRAC) that its position on the future of the NMRRAC is that it be retained with meeting frequency being reduced to two (2) formal NMRRAC meetings per year and four (4) officer meetings per year with a focus on industry related strategic matters and support of the Western Australian Local Government Association (WALGA) Recreation and Leisure Reference Group.

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be amended to include the words “half day each which incorporate a formal decision making process”, after the words “NMRAAC meetings”.

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.3.7

That the Council ADVISES the North Metropolitan Regional Recreation Advisory Committee (NMRRAC) that its position on the future of the NMRRAC is that it be retained with meeting frequency being reduced to two (2) formal NMRRAC meetings (half day each which incorporate a formal decision making process) per year and four (4) officer meetings per year with a focus on industry related strategic matters and support of the Western Australian Local Government Association (WALGA) Recreation and Leisure Reference Group.

PURPOSE OF REPORT:

To consider recommendations regarding the future of the North Metropolitan Regional Recreation Advisory Committee (NMRRAC).

BACKGROUND:

NMRRAC was one of three Regional Recreation Advisory Committees established by the then Department of Youth Sport and Recreation in 1984. The other committees established included the South East and South Western Regional Recreation Advisory Committees.

The intent of establishing these committees was to improve communication between Local Governments and to engage each other on matters relating to leisure planning and industry related issues. Each of these groups was effective in achieving this objective, however recently the degree of effectiveness has been somewhat mixed across the respective groups.

NMRRAC comprises of the following eight Local Governments:

- Town of Vincent
- Town of Bassendean
- City of Wanneroo
- City of Joondalup
- City of Stirling
- City of Swan
- City of Bayswater
- Shire of Mundaring

The Department of Education, the Edith Cowan University, the Department of Sport and Recreation, the WA Sports Federation and WALGA also attend NMRRAC. The current NMRRAC model comprises of the formal NMRRAC meeting attended by Elected Members and designated officers and meets four times a year. In addition to this, Officers of the respective Local Governments hold an informal meeting eight (8) times per year. The Town of Vincent is represented at NMRRAC by Councillor Helen Doran-Wu and the Manager Community Development.

Since 2003, NMRRAC has worked diligently to have significant strategic issues relating to leisure within a Local Government context put back on the agenda.

This sustained effort was the primary driver behind the establishment in 2005 of the Western Australian Local Government Association (WALGA) Recreation and Leisure Reference Group to represent the interests of the leisure industry from a Local Government perspective. This has now resulted in a collaborative approach by Local Government in addressing industry issues. Issues identified by the Reference Group are progressed through the formal WALGA structure.

As a result of achieving the creation of the WALGA group, NMRRAC now needs to consider its future direction and structure.

DETAILS:

At the NMRRAC meeting held on 31 May 2007, the representative Elected Members of the respective Local Government Councils considered a report put forward by Officers on options for the future direction of NMRRAC. Three (3) options were put forward:

1. Establish an informal mechanism to share information, knowledge and access professional development opportunities for both professional officers and Elected Members. Industry issues would be progressed through the WALGA Recreation and Leisure Reference Group.
2. Maintain NMRRAC in its current form and progress industry related strategic matters via the WALGA Recreation and Leisure Reference Group.
3. Dissolve NMRRAC outright and have individual Councils progress industry related matters via the WALGA Recreation and Leisure Reference Group.

The report recommended that the first option be supported. The model for the proposed informal presentation would be as follows:

Regional Forums two (2) per year

- Currently four formal NMRRAC meetings are held per year.
- Proposed that these be reduced to two (2) and be held over the course of a day and structured in a manner that provides access to both Elected Members and professional officers.
- WALGA, the Department of Sport and Recreation and other key industry groups would attend these forums to assist in communication across the industry.
- The main focus is to improve communication, provide a forum for individual Local Government updates, topical presentations and professional development. The forum would also suggest items for further consideration/investigation to the WALGA Recreation and Leisure Reference Group.

Officer Forums four (4) per year

- Currently eight (8) informal officer meetings are held per year.
- Proposed that thus be reduced to four (4).
- As per the regional forums, the Officer meetings would provide a forum to share information and discuss matters of regional significance in more detail. The outcomes of these forums would then be fed into the regional forums for Elected Member consideration.

CONSULTATION/ADVERTISING:

Consultation with all NMRRAC members has occurred through the NMRRAC Officers and Councillors meetings.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The implementation of the proposed NMRRAC structure is consistent with the following 2006 – 2001 Strategic Objectives:

“2.1.2 Develop and promote partnerships and alliances with key stakeholders.”

“3.1.5 Focus on community and customer needs, values, engagement and involvement.”

“4.1.6 Focus on stakeholder needs, values, engagement and involvement.”

FINANCIAL/BUDGET IMPLICATIONS:

Currently the NMRRAC member Council responsible for the management of the Secretariat (which is rotational on an annual basis) holds a budget of \$7,000 for the group to cover costs associated with professional development seminars etc. Under the revised model, it is proposed that these funds will be managed by WALGA on behalf of the member Councils.

COMMENTS:

NMRRAC has worked well over past years and has been successful in achieving many positive outcomes within the industry to the benefit of its member Councils. However, the rapid growth of the size and complexity of the Local Government leisure industry over the past 15 years has meant that a wider collaborative approach is required to progress and influence industry issues at a higher strategic level.

This has been achieved with the formation of the WALGA Recreation and Leisure Reference Group, which now has the capacity to represent the 144 Local Governments throughout the state, giving the Local Government leisure industry a degree of legitimacy, which it has not had previously. An additional benefit is that the WALGA Administration supports the technical reference group, reducing the reliance on local government officers, which has been an area of significant concern for some time.

However given the nature of representing across Local Governments this means that significant regional issues may not be presented or considered in a focussed way without the presence of the NMRRAC group to drive these issues.

In recommending the change in structure, the report has recognised the benefit that the NMRRAC group provides in the provision of information and opportunities for both Elected Members and Officers in keeping up to date on industry initiatives and key industry issues. The proposed structure seeks to continue the provision of such opportunities, whilst providing member Councils with the ability to progress these issues through the formal WALGA structure and achieve an industry wide profile, which NMRRAC was not able to achieve previously.

**10.4.2 Members Equity Stadium Committee Meeting held on 17 July 2007 -
Receiving of Unconfirmed Minutes**

Ward:	South	Date:	8 August 2007
Precinct:	Beaufort, P13	File Ref:	RES0082
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Unconfirmed Minutes of the Stadium Committee meeting held on 17 July 2007, as shown in Appendix 10.4.2; and*
- (ii) *ACCEPTS the recommendations of the Stadium Committee.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Maier, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Members Equity Stadium Committee meeting held on 17 July 2007.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (known as "Members Equity Stadium") and resolved inter alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY; ...

- (iii) *to delegate the following functions to the Committee;*
 - (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
 - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*

- (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
- (d) *to receive and consider Performance Reports;*
- (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
- (f) *to review Naming Signage; and*
- (g) *to review the Risk Management Plan;*

(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act 1995 and its regulations.

10.4.4 Delegations for the Period 1 April 2007 to 30 June 2007

Ward:	Both	Date:	8 August 2007
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	Various		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **ENDORSES** the delegations for the period 1 April 2007 to 30 June 2007 as shown in Appendix 10.4.4 and
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$34,885.00, as detailed in this report.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's Administration for the period 1 April 2007 to 30 June 2007 and to obtain the Council's approval to write-off infringement notices.

BACKGROUND:

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

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies. All delegations are to be recorded and reported to the Council on a quarterly basis, as follows;

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

DETAILS:

The area which has resulted in most infringement notices being withdrawn, is that of “*An Overseas or Interstate Driver*” and there appears to be no reason for this increase. The Rangers and Community Safety Services Section is assessing whether there are any measures that can be put in place, in an attempt to reduce the withdrawals, in this category.

This number of withdrawals, for Overseas/Interstate Drivers, is closely followed by Residents and Visitors, who failed to display the necessary permits. While the offence is “*Failure to Display a Valid Permit*”, it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them. It should be noted, however, that Policy 3.9.2 is currently being amended to now state that a resident/visitor may only have an infringement notice withdrawn once each year, for failing to display the necessary permit.

The other area of withdrawal which shows a high balance of written-off penalties is that of “*Ranger/Clerical Error*”. The Town has recently engaged a number of new Rangers and this can be attributed to inexperience. It should improve before the next Delegations Report.

“*Other*” incorporates everything not specifically identified in one of the other categories and these withdrawals are for “*Financial hardship*”, “*Disabilities*”, “*On-duty Emergency Personnel*”, such as Police detectives, Doctors, Silver Chain Nurses, Counsellors, etc, where they provide evidence that they were on-duty.

The category of “*Details Unknown/Vehicle*” Mismatch also appears to show a high withdrawal rate. This may have occurred, to some extent, because the Police no longer provide the ownership details for interstate vehicles. Where previously, the Town obtained interstate ownership details from Police and wrote to the owners of the vehicles, this is no longer possible, because this facility is not available to the Town. The Ranger and Community Safety Services Section is currently discussing this matter with the Police and it is hoped that the Town will be able to overturn the decision of the Police not to obtain the details.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

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

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.4.

STRATEGIC IMPLICATIONS:

The above is in accordance with the Town's Strategic Plan 2006 - 2011, at Strategic Objective 4.1.4(a) "*Achieve best Practice corporate governance standards and statutory compliance including effective delegations and independent review of processes.*"

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator/Prosecutions Officer that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

The details of the infringement notices are as follows:

<u>Description</u>	<u>Amount</u>
<i>Interstate or Overseas Driver</i>	<i>\$9,290.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$7,365.00</i>
<i>Ranger/Clerical Error</i>	<i>\$6,015.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$3,825.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$3,660.00</i>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$1,255.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,255.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$1,250.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$650.00</i>
<i>Penalties Modified</i>	<i>\$245.00</i>
<i>Dog Act</i>	<i>\$50.00</i>
<i>Pound Fees Modified</i>	<i>\$25.00</i>
<i>Litter Act</i>	<i>\$0.00</i>
TOTAL:	\$34,885.00

COMMENTS:

It is recommended that the report on the delegations for the period 1 April to 30 June 2007 be endorsed by the Council.

10.4.8 Review and Adoption of Delegated Authority Register 2007/08

Ward:	Both	Date:	8 August 2007
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegated Authority Register, as shown in Appendix 10.4.8.

COUNCIL DECISION ITEM 10.4.8

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek Council’s approval of the Delegated Authority Register for the 2007-2008 year, as detailed in this report.

BACKGROUND:

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

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

The CEO has reviewed the current delegation register. The register includes delegations which have been approved during the year by the Council, however a number have been amalgamated to make the Register more concise and “user friendly”.

Local Government Operational Guidelines No 17 – Delegations

The Department of Local Government has issued as Operational Guideline No 17 concerning Delegations. A copy of this Guideline is “Laid on the Table”.

The main points of the Guideline are as follows:

1. Definition of Delegation.
2. The concept of “Acting Through”.
3. Determining what should be delegated.

The Guideline states as follows;

Definition of Delegation

The *Macquarie Dictionary Section Edition* (1991), The Macquarie Library Pty Ltd, Macquarie University, New South Wales (Australia) p. 469, defines “delegate” as follows:

- *To send or appoint (a person) as deputy or representative;*
- *To commit (powers, duties, etc) to another as agent or deputy; and*
- *To commit powers or duties to others.*

The Oxford Shorter English Dictionary Third Edition (1978), Oxford University press, Oxford (England), p. 511, defines “delegate” as follows:

- *A person sent or deputed to act for or represent another or others; a deputy, commissioner;*
- *To send or commission (a person) as a deputy or representative, with power to act for another; and*
- *To entrust or commit (authority, etc) to another as an agent or deputy.*

The definitions illustrate that:

- *To delegate is to appoint another person to exercise a power or discharge a duty; and*
- *A delegation does not strip the person making the delegation of the right to exercise the delegated power or discharge the delegated duty.*

The Concept of “Acting Through”

In addition to covering delegations, the Local Government Act 1995 introduces the concept of “acting through”. Section 5.45 of the Act states that in relation to delegations, nothing prevents a “local government from performing any of its functions by acting through a person other than the CEO” or “a CEO from performing any of his or her functions by acting through another person”. The Act does not specifically define the meaning of the term “acting through”. However, the key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

As a result of the Department of Local Government Guideline, a major review of the Council’s Delegated Authority Register has been carried out.

The 2006/07 Delegations Register contained 110 delegations. Many of these were very similar, particularly those relating to development approval. This has made the reading of the Register complex and cumbersome. The Chief Executive Officer’s review has resulted in a reduction of the number of delegations to 73. The Delegated Authority Register is the same as 2006/07 with the following changes:

No	New Delegations	Comment
1	Appointment of Acting CEO	This is a statutory requirement to appoint a CEO.
6	Approval of Environmental Grants	This matter was approved at OMC 12.06.07.
10	Appointment of Authorised Persons for various statutes	Removes the necessity of reporting to Council.
11	Appointment of Prosecution Officers	This is a statutory requirement.
14	Approval of employees to represent the Town in legal proceedings	This is a statutory requirement and deletes the necessity of reporting each occasion to Council.
15	Local Laws – Authority to issue Licences, Notices, Approvals & Permits	The Council has adopted new Local Laws. This delegation will ensure the efficient issue of Licences, Permits, Notices etc.
16	Authority to Update Policies	Now includes authority to amend Policy Manuals (of a minor nature). Includes former Policy 104.
20	Approvals under Health Act/Liquor Licensing Act	These approvals are required on a weekly basis.
No	New Delegations	Comment
39	Approval of ACROD Bays	Removes the necessity of reporting to Council as these are covered by a Policy.
46	Investment of Monies	This is to be carried out in accordance with the new Policy.
No	Amended Delegations	Comment
66	Notices – Building Services	These have been separated and clearly specified as separate delegations – No 69, 70, 71, 72, 73 as they often involve legal action and need to be precise.
No	Amalgamated Delegations	Comment
13	Approvals under Health Act	Includes former 14, 14A
15	Local Law and Issue of Licences	Includes former 19, 20, 21
17	Intra-State Conferences	Includes former 10
No	Amalgamated Delegations	Comment
23	Parks & Reserves – Approvals etc	Includes former 22, 23, 24, 28 & 41
25	Street Trees	Includes former 26, 27
38	Right-of-ways	Includes 42, 43, 44
52	Leasehold Properties	Includes 60, 61, 62, 63
54	Planning Approvals & Licences	Includes 70, 72, 74, 76, 77, 78, 79, 82, 83
55	Amenity Considerations	Includes 81, 87, 90
59	Information on Planning Applications	Includes 88, 89, 92, 95, 96
63	Approval under Scheme Reserves	Includes 99, 100
65	Telecommunication Facilities	Includes 84, 103
66	Approval of Category 3, 4 & Variations	Includes 107, 108, 109, 110
67	State Administrative Tribunal	Includes 69, 73
68	Planning & Building Fees	Includes 75
	Note: Where some Policies have been amalgamated, wording has been changed to reflect current terminology.	
No	Deleted Delegations	Comment
56	Swimming Carnivals	Approval of carnivals is an operational matter and is carried out under the “Acting Through” category.
68	Approval of building designs for Council building projects	These matters are reported to Council where required. Delegation not required.
104	Use of words “Town of Vincent” in policies	This matter is now covered in Policy No 16. Separate Delegation not required.

Planning and Building Delegations

The Independent Organisational Review dated April 2003, Recommendation 6 stated:

“Council request a report from the Chief Executive Officer recommending delegated authority to the Manager Planning and Building Services to approve specified development applications wherever practicable and legally acceptable to competent staff with accompanying draft guidelines for Council’s consideration.”

At the Ordinary Meeting of Council held on 22 August 2006, the Council approved of delegations for category 3 & 4 (minor development applications). This delegation was re-affirmed at the Council Meeting held in December 2006.

The delegation of the Minor Development (category 3 & 4 applications) has resulted in a marked reduction of reports being submitted to the Council. The delegation has:

1. allowed for improved processing time of development applications;
2. better use of resources;
3. enabled the Town’s administration to reduce the number of applications waiting approval to less than 100 at any one time (previously up to 150 development applications were in the system);
4. reduced stress on both Planning Officers and applicants alike;
5. enabled the Council to consider more strategic matters (eg. Leederville Masterplan).

In view of the abovementioned benefits, it is recommended that the Council continue with the current level of delegation.

LEGAL/POLICY:

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

Quarterly reports detailing the administration’s use of delegations are reported to the Council as follows:

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

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the Council’s Strategic Plan 2006-2011 – Leadership, Governance and Management, Objective 4.1.2 – *“Manage the Organisation in a responsible, efficient and accountable manner.”*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The review of the Delegations Register has resulted in a more concise and less complex document. As previously stated, in essence the delegations are very similar to the 2006/07 delegations. No new planning and development delegations have been requested or included.

Accordingly, it is recommended that the Council approve of the Delegated Authority Register 2007/08.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

At 9.14pm **Moved Cr Ker, Seconded Cr Farrell**

That the meeting proceed "behind closed doors" to debate Confidential Items 14.1, 14.2, 14.3 and 14.4

PROCEDURAL MOTION CARRIED (9-0)

Journalist – Chris Thomson departed the Chamber. There were no members of the public present.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

14.1 CONFIDENTIAL REPORT - Study of Heritage Listing and Property Values in Western Australia – Report to Australian Property Institute

Ward:	Both	Date:	30 July 2007
Precinct:	All	File Ref:	PLA 0117
Attachments:	-		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Study of Heritage Listing and Property Values in Western Australia, a co-operative initiative between the Town of Vincent, City of Stirling, City of Perth, Heritage Council of WA and the Australian Property Institute.*
- (ii) *RECEIVES the Report to the Australian Property Institute concerning the Residential Sales Analysis 1988 to 2006 prepared by Dennis Barton Consultancy as 'Laid on the Table'; and*
- (iii) *PROVIDES comment to the Town's Director Development Services regarding the content of the Report to the Australian Property Institute concerning the Residential Sales Analysis 1988 to 2006 prepared by Barton Consultancy Pty Ltd as circulated separately to Elected Members, Chief Executive Officer and Directors.*

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

Elected Members were requested to submit their comments to the Director, Development Services by 31 August 2007.

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 provide an update of the current status of the co-operative project *Study of Heritage Listing and Property Values in Western Australia* and a summary of the Report to the Australian Property Institute concerning the Residential Sales Analysis 1988 to 2006 prepared by Dennis Barton of Barton Consultancy Pty Ltd, a copy of which has been circulated separately to Elected Members, Chief Executive Officer and Directors.

BACKGROUND:

At the Ordinary Meeting of Council held on 25 May 2004, it was resolved that the Town should participate in the *Study of Heritage Listing and Property Values in Western Australia*. The study was to investigate the possible correlation between property value and heritage listing at State and local levels. A letter was received by the Town dated 10 July 2007 from the Australian Property Institute of Australia advising that the study has been completed and that a de-briefing session is to be held in late September with all participating parties prior to the report being made public.

DETAILS:

- The original Memorandum of Understanding identified a completion date for the project of December 2004.
- Officers attended a Steering Committee meeting for the project on 27 January 2005 at which an update of the project was discussed.
- An update from the Project Manager was received by the Town on 17 May 2005 containing data gathered from the Study members, which required participating local authority input. This required the research of all relevant properties in terms of past building improvements and zoning changes.
- A progress report was last provided at the Ordinary Meeting of Council held on 14 June 2005.
- A draft copy of the study prepared by Barton Consultancy to the Australian Property Institute (WA Division) concerning the study of transactions involving heritage listed properties dated 24 May 2006 was received by the Town and circulated to Elected Members for comment in a Memorandum dated 24 May 2006.
- A meeting was held on 10 July 2006 regarding the content of the draft copy of the study outlined above, with representatives from the participating parties. A copy of the minutes of this meeting was circulated to Elected Members in memorandum dated 14 July 2006.
- The Report to the Australian Property Institute concerning the residential sales analysis 1988 to 2006 prepared by Dennis Barton was received by the Town on 10 July 2007.

A summary of the Report to the Australian Institute concerning the residential sales analysis 1988 to 2006 prepared by Dennis Barton consultancy is as follows:

- The subject suburbs analysed in the report included a sample of residential sales from Mount Lawley, Shenton Park and Subiaco between 1 July 1988 and 30 June 2006;
- Collectively an analysis of the subject suburbs indicated that there is no evidence to suggest that heritage listing is detrimental to value or value growth;
- Statistical analysis cannot deal with individual properties, therefore, what is true in aggregate can not necessarily be assumed true in individual cases;
- Collectively an analysis of the subject suburbs indicates that heritage listing is not statistically significant in determining the impact of property value; and
- Considering individual suburbs, it is only in Mount Lawley that listing is statistically significant on price. In this suburb, listing is the tenth most significant influence and it is positive, in the sense that listing is associated with higher prices.

CONSULTATION/ADVERTISING:

The advertising of the report to the Australian Property Institute concerning the Residential Sales Analysis 1988 to 2006 is to be discussed at the de-briefing session with the participatory parties scheduled for September 2007.

LEGAL/POLICY:

A Memorandum of Understanding was signed by the parties participating in the Study.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 - Key Result Area One: Environment and Infrastructure

"1.1.3 Enhance and maintain the character and heritage of the Town".

FINANCIAL/BUDGET IMPLICATIONS:

The Town's financial commitments to this project have ceased.

COMMENTS:

In light of above, it is recommended that the Council examines the report circulated separately to Elected Members, Chief Executive Officer and Directors and provides any comments in relation to the report to the Town's Director Development Services, to be forwarded onto the consultant Dennis Barton at the de-briefing session scheduled for late September 2007, regarding study of heritage listing and property value in Western Australia.

14.2 CONFIDENTIAL REPORT – No. 6 (Lot 22 D/P: 167) London Street, Corner Haynes Street and Scarborough Beach Road, North Perth - Proposed Demolition of Existing Buildings and the Construction of a Three-Storey Development Comprising 12 Multiple Dwellings – State Administrative Tribunal (SAT) Review Matter No. DR 209 of 2007

Ward:	North	Date:	7 August 2007
Precinct:	North Perth; P8	File Ref:	PRO3010; 5.2006.60.1
Attachments:	001		
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. 6 (Lot 22 D/P: 167) London Street, corner Haynes Street and Scarborough Beach Road, North Perth - Proposed Demolition of Existing Buildings and the Construction of a Three-Storey Development Comprising 12 Multiple Dwellings – State Administrative Tribunal (SAT) Review Matter No. DR 209 of 2007; and*
- (ii) *ADVISES SAT that the revised plans dated 24 July 2007 have been advertised to the adjacent community for a period of 14 days, which closes on 16 August 2007, and will be reported back to the Ordinary Meeting of Council on 28 August 2007 for further consideration by the Council.*

COUNCIL DECISION ITEM 14.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

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

PURPOSE OF REPORT:

- To update the Council of the progress in relation to the above review application, including the Orders issued by SAT as a result of the mediation held on 16 July 2007 regarding the revised plans to be considered on or before 14 August 2007, and that the matter has been adjourned to 4 September 2007.
- To advise that the revised plans dated 24 July 2007 are currently being advertised for a period of 14 days commencing from 2 August until 16 August 2007.

Landowner:	Nicotra Developments Pty Ltd
Applicant:	Allerding and Associates for the Review Matter
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Unoccupied Building
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	2023 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

- 23 August 2005 The Council at its Ordinary Meeting resolved to conditionally approve the demolition of existing showroom and outbuilding, but refused the construction of three-storey mixed use development comprising eight (8) multiple dwellings, eating house, offices, shops and associated basement car parking, at No. 6 (Lot 22) London Street, corner Haynes Street and Scarborough Beach Road, North Perth.
- 28 February 2006 The Council at its Ordinary Meeting resolved not to acknowledge the showroom and open air display area as a non-conforming use and refused the application for the retention of non-conforming use as showroom/open air display, at No.6 (Lot 22) London Street, North Perth.
- 22 August 2006 The Council at its Ordinary Meeting considered a confidential report relating to the retention of non-conforming use as showroom/open air display - as part of a review matter to the State Administrative Tribunal - Review Matter No. DR 626 of 2005 at No. 6 (Lot 22) London Street, North Perth.
- 15 September 2006 The applicant in the review matter DR 626 of 2005 advised the Town that the review matter relating to the retention of non-conforming use as showroom/open air display at No. 6 (Lot 22) London Street, corner Haynes Street and Scarborough Beach Road, North Perth will not continue. As the showroom and air display has not operated for more than 6 months at the above site, the showroom and open air display is no longer a valid non-conforming use.
- 8 May 2007 The Council at its Ordinary Meeting resolved to refuse an application for proposed demolition of existing buildings and the construction of a three-storey development comprising 12 multiple dwellings at the subject property.
- 1 June 2007 Application lodged with the State Administrative Tribunal to review the Council's decision.
- 15 June 2007 Directions Hearing held at SAT.
- 28 June 2007 Mediation held at SAT. The applicants/owners were preparing revised plans prior to the further mediation on 16 July 2007 addressing the reasons of the Council's refusal at its Ordinary Meeting held on 8 May 2007.
- 10 July 2007 The Council at its Ordinary Meeting resolved as follows:
- "That;*
- (i) *the Council RECEIVES the report relating to No. 6 (Lot 22 D/P: 167) London Street, corner Haynes Street and Scarborough Beach Road, North Perth - Proposed Demolition of Existing Buildings and the Construction of a Three-Storey Development Comprising 12 Multiple Dwellings – State Administrative Tribunal Review Matter No. DR 209 of 2007;*
- (ii) *ADVISES the North Perth Precinct Group and those who made submissions of the above review matter."*

16 July 2007 At the mediation, SAT invited the Town under Section 31 of the State Administrative Tribunal Act 2004 (WA) to reconsider the revised plans on or before 14 August 2007, and that the matter be adjourned to 4 September 2007.

DETAILS:

The proposal involves proposed demolition of existing buildings and the construction of a three-storey development comprising 12 multiple dwellings at the subject property. The revised plans dated 24 July 2007 and submission in this instance is attached, as they are currently being advertised by the Town. It is to be noted that the date of the revised plans should be 24 July 2007, and not 27 July 2007, as inadvertently stated in the advertising letters.

The main differences are as follows:

- additional visitor car bays have been provided;
- Unit 12 adjacent to the eastern boundary on the previously refused second floor plan has been renumbered as Unit 5 and relocated adjacent to the northern boundary on the current first floor plan dated 24 July 2007 (shown clouded). This has resulted in the number of units being reduced from 2 to 3 on the second floor; and
- the overall height is now compliant.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure For State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Town's Officers have attended to all the SAT dealings to-date. The Town has, however, secured the services of Mr Simon Bain, Town Planning Consultant to represent the Town in this matter if required.

COMMENTS:

It is recommended that the matter be further reported to the Ordinary Meeting of Council to be held on 28 August 2007 for further consideration, at the completion of the advertising period for the revised plans.

14.3 CONFIDENTIAL REPORT - No. 35 (Lot 6 D/P: 2825) Harold Street, Mount Lawley- Proposed Boundary Wall Addition to Existing Single House (Application for Retrospective Approval and Reconsideration of Condition) State Administrative Tribunal (SAT) - Review Matter No. DR 202 of 2007

Ward:	South	Date:	3 August 2007
Precinct:	Forrest; P14	File Ref:	PRO3677 5.2007.89.1
Attachments:			
Reporting Officer(s):	S Kendall, C Wilson		
Checked/Endorsed by:	R Rasiah, 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 DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 202 of 2007 for Boundary Wall Addition to Existing Single House (Application for Retrospective Approval and Reconsideration of Condition), at No. 35 (Lot 6 D/P: 2825) Harold Street, Mount Lawley, and as shown on plans stamp-dated 13 March 2007, for the following reasons:

- (i) *the development will unduly and adversely affect the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the bollards will set an unacceptable and undesirable precedent for other similar developments within the Town and as the bollards could be easily removed by future occupants/owners of the subject dwelling; and*
- (iii) *the non-compliance with the Town's Visual Sight Line Truncations - Driveways and Rights of Ways (ROW's) Policy No. 2.2.12, which requires a general minimum truncation of 1.5 metre by 1.5 metre sight line at the property line to ensure adequate visibility of pedestrians and other vehicles by the driver of the motor vehicle. However, in accordance with Council's decision at its Ordinary Meeting of 24 April 2007, the truncation was reduced to 0.8 metre by 0.8 metre.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 9.18pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 9.23pm.

Debate ensued.

Moved Cr Torre, Seconded Cr Ker

That the Officer Recommendation be amended as follows:

“delete the words “DOES NOT” in line 2 and all words after 13 March 2007 and insert the words “subject to the following conditions;

- (i) within 28 days of the State Administrative Tribunal's determination of the review matter, two bollards shall be installed immediately in front of the roller door of the 'Steel Shed', which is located adjacent to the southern boundary of the property. The location of the bollards shall be approved by the Town's Technical Services prior to their installation. The bollards shall meet the Town's specifications and all costs associated with their supply and installation shall be borne by the applicant/owner(s). The removal of the bollards in the future will be required to be approved by the Town and may result in the requirement to provide a visual truncation; and*
- (ii) within 28 days of the State Administrative Tribunal's determination of the review matter, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the 'Steel Shed', which is located adjacent to the southern boundary of the property, shall not be used for the storage or accommodation of motor vehicles and have no motor vehicle access from Phelps Lane, and that any proposal requiring the removal of the bollards in the future will be required to be approved by the Town and may result in the requirement to provide a visual truncation. This notification shall be lodged by the applicant/owner(s) and registered in accordance with the Transfer of Land Act within 28 days of the State Administrative Tribunal's determination of the review matter.”*

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 14.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 202 of 2007 for Boundary Wall Addition to Existing Single House (Application for Retrospective Approval and Reconsideration of Condition), at No. 35 (Lot 6 D/P: 2825) Harold Street, Mount Lawley, and as shown on plans stamp-dated 13 March 2007, subject to the following conditions;

- (i) within 28 days of the State Administrative Tribunal's determination of the review matter, two bollards shall be installed immediately in front of the roller door of the 'Steel Shed', which is located adjacent to the southern boundary of the property. The location of the bollards shall be approved by the Town's Technical Services prior to their installation. The bollards shall meet the Town's specifications and all costs associated with their supply and installation shall be borne by the applicant/owner(s). The removal of the bollards in the future will be required to be approved by the Town and may result in the requirement to provide a visual truncation; and*
- (ii) within 28 days of the State Administrative Tribunal's determination of the review matter, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the 'Steel Shed', which is located adjacent to the southern boundary of the property, shall not be used for the storage or accommodation of motor vehicles and have no motor vehicle access from Phelps Lane, and that any proposal requiring the removal of the bollards in the future will be required to be approved by the Town and may result in the requirement to provide a visual truncation. This notification shall be lodged by the applicant/owner(s) and registered in accordance with the Transfer of Land Act within 28 days of the State Administrative Tribunal's determination of the review matter.*

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

PURPOSE:

The purpose of this report is to advise the Council of the above review application and for the Council to reconsider its decision under the provisions of S.31 of the State Administrative Tribunal Act 2004 (WA) with respect to condition (i) (b)(2), (as detailed below) which was placed on the conditional approval granted by the Council at its Ordinary Meeting held on 24 April 2007 for boundary wall addition to existing single house (Application for Retrospective Approval) at the subject property:

"(i) (b)(2) a minimum 0.8 metre by 0.8 metre truncation being provided where the wall meets the driveway from Phelps Lane to the adjacent 'Steel Shed' (garage) OR the roller door to the steel shed adjacent to Phelps Lane being removed and filled in to ensure that vehicular access is not available from Phelps Lane."

The matter is currently being mediated at SAT and the Town is represented by its Officers. The owners are representing themselves in the above review matter.

Landowner:	K M Baker
Applicant:	K M Baker
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	483 square metres
Access to Right of Way	N/A

BACKGROUND:

8 August 2006 The Town received a written complaint regarding the subject place concerning the height of the rear (southern) boundary wall and the encroachment of a garage within the curtilage of No. 37 Harold Street, with no provision for visual truncations.

28 August 2006 After undertaking a site inspection, the Town wrote to the owner of the subject place advising that the subject rear limestone wall was unauthorised and exceeded the maximum height restriction in the Town of Vincent Local Law Relating to Fences, Floodlights and Other External Lights and that the garage did not comply with the Town's Visual Sight Line Truncations – Driveways and Right of Ways Policy.

The owner was advised to comply with the Town's height and truncation requirements within 14 days or to submit an application for retrospective approval.

12 January 2007 The Town under delegated authority from the Council granted conditional approval for boundary wall addition to existing single house (application for retrospective approval), subject to two conditions including the following condition:

"(ii) the following works shall be completed within 28 days of the date of this approval:

(a) the height of the wall being reduced to a maximum of 1.8 metres, in order to comply with the Town's Street Walls and Fences Policy;

- (b) *a minimum of two (2) significant appropriate design features being incorporated onto the southern Phelps Lane face of the wall 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 must be submitted to and approved by the Town; and*
- (c) *a minimum 1.5 metres by 1.5 metres truncation being provided where the wall meets the driveway from Phelps Lane to the adjacent 'Steel Shed' (garage) OR the roller door to the steel shed adjacent to Phelps Lane being removed and filled in to ensure that vehicular access is not available from Phelps Lane."*

24 April 2007 The Council at its Ordinary Meeting reconsidered the above stated condition (ii) (a), (b) and (c) of the Planning Approval for boundary wall addition to existing single house (Application for Retrospective Approval), which was issued under delegated authority from the Council on 12 January 2007.

20 June 2007 The Town's Planning Officers attended a Directions Hearing at the SAT.

19 July 2007 The Town's Officers attended an on-site mediation with the applicant and a Senior Sessional Tribunal Member.

DETAILS

At the Ordinary Meeting of the Council held on 24 April 2007, the applicant provided a written submission as below in regard to the reconsideration of the subject condition. No additional information has been provided by the applicant.

- The rear (southern) limestone boundary wall was constructed to maintain security and continued amenity in response to a Homeswest development which is accessed by an underground garage located directly behind the subject place off Phelps Lane;
- The rear (southern) boundary wall was constructed five years ago when Phelps Lane was an unsealed right of way. Therefore, the wall should be assessed in context with the Local Law Relating to Fences, Floodlights and Other External Lights, which stipulates a height limit of 2.4 metres as per the previous community consultation correspondence;
- Precedents exist where the approval has been granted for maximum boundary wall heights to be exceeded;
- The provision of a visual truncation is impractical as it would involve realignment of the boundary wall and would block access to an active sewerage drain;
- The removal of the roller door to the rear garage is impractical as it provides the only unrestricted access point for trades and maintenance purposes. The applicant does not own a car and uses the garage for storage and has off-street parking facilities along Harold Street; a

- The applicant has advised that in-lieu of the required truncation that they would be willing to install a pair of bollards or sign to indicate a potential vehicle access point; and
- The truncation of the wall would block access to an active sewer/drain located close to the rear boundary adjacent to the garage.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure for State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

At the on-site mediation held on 19 July 2007, the Senior Sessional Tribunal Member discussed the possibility of the installation of bollards in front of the subject garage to prohibit vehicle access.

The Town's Officers do not consider the installation of bollards an appropriate solution as they may be removed in the future to enable vehicle access to the garage by the current or possibly a future owner/occupier who may have a motor vehicle.

The applicant has also indicated that part of the reluctance to truncate the wall relates to the need to maintain access to the property's sewer connection inspection opening (IO) which is located immediately adjacent the wall within the property. However, it should be noted that the IO can be relocated, albeit at a cost, and with some disruption to the applicant's garden.

Notwithstanding the above, it is important to note that the works were undertaken without attaining planning and building approval from the Town in the first instance. Should the applicant have followed due process, the following matters would have been addressed at that time. The applicant has already been granted dispensation by the Council in relation to the height of the wall, and it is considered appropriate that the applicant comply with the Town's requirement to provide a minimum 0.8 metre by 0.8 metre truncation where the wall meets the driveway from Phelps Lane to the adjacent steel shed (garage) or to remove and fill in the roller door to the steel shed adjacent to Phelps Lane to ensure that vehicular access is not available from Phelps Lane.

In light of the above, the applicant's SAT application to remove condition (i) (b) (2), as per the Council's resolution at its Ordinary Meeting held on 24 April 2007, is not supported.

14.4 CONFIDENTIAL REPORT - Nos. 412-414 (Lot 2) Fitzgerald Street, Corner Forrest Street, North Perth - Non-Compliance with Town of Vincent Town Planning Scheme - Tethered Advertising Balloon Sign – SAT Review Matter DR123, DR 124 of 2006

Ward:	South	Date:	8 August 2007
Precinct:	North Perth Centre; P9	File Ref:	PRO3405
Attachments:	-		
Reporting Officer(s):	N Wellington, R Rasiah, R Boardman, J Giorgi		
Checked/Endorsed by:	J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the discontinuation of prosecution proceedings against the Occupiers (Chemist Warehouse) of Nos. 412-414 (Lot 2) Fitzgerald Street, corner Forrest Street, North Perth for alleged contravention of the Town's Town Planning Scheme No. 1 and allegedly committing an offence pursuant to the provisions of the Planning and Development Act 2005;and*
- (ii) *AUTHORISES the Chief Executive Officer to enter into a Deed of Settlement with the Occupiers (Chemist Warehouse) and negotiate and finalise the Terms and Conditions of the Deed, including but not limited to;*
 - (a) *each party will be responsible for their own legal costs in terms of the above prosecutions;*
 - (b) *each party will be responsible for their own legal costs relating to the Review Matters (appeal) with the State Administrative Tribunal;*
 - (c) *the Occupiers not seeking any costs from the Town in relation to the SAT Order 5 in SAT Review Matters DR 123 of 2006 and DR 124 of 2006;*
 - (d) *the Occupiers agreeing to submit a Sign Strategy for their premises to the Town for approval; and*
 - (e) *the Occupiers giving an undertaking to not knowingly breach any Planning and Development Act Legislation or Town Policies.*

COUNCIL DECISION ITEM 14.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

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

PURPOSE OF REPORT:

To obtain Council approval on a negotiated outcome for the legal action concerning 412-414 Fitzgerald Street, North Perth and a claim against the Town for costs in the State Administrative Tribunal and report on the Notice of Motion Item 11.4 of the Ordinary Meeting of Council held on 10 October 2006.

BACKGROUND:

- 1 September 2006 State Administrative Order relating to awarding of reasonable professional and disbursement costs to the applicant (Chemist Warehouse operator Ms Shiok Moon Law in the matter DR 124 of 2006.
- 10 October 2006 Notice of motion received from Cr Dudley Maier in relation to the above matter relating to both SAT related matters DR 123 of 2006 and DR124 of 2006, where Council at its Ordinary Meeting resolved as follows:
- "That the Council REQUESTS that the Chief Executive Officer provide a further report will be presented to Council on the completion of the matters in report to Council concerning the decision of the State Administrative Tribunal relating to 412 – 414 Fitzgerald St, North Perth (Matter Numbers: DR 123 of 2006 and DR 124 of 2006) and the report should include, but not be limited to:*
- *the actions taken by the Town's staff in relation to this matter;*
 - *the Town's cost for defending the appeal as well as the costs awarded against the Town; and*
 - *the steps that have been taken to ensure that a similar situation does not occur in the future."*
- 15 January 2007 The Council, during the Delegated Authority period 20 December 2006 to 22 January 2007, resolved as follows:
- "That the Council AUTHORIZES the Chief Executive Officer to instruct the Town's Solicitors to commence prosecution proceedings against the Occupiers (Chemist Warehouse) of Nos. 412-414 (Lot 2) Fitzgerald Street, corner Forrest Street, North Perth for contravention of the Town's Town Planning Scheme No. 1 and committing an offence pursuant to the provisions of the Planning and Development Act 2005."*
- 25 July 2007 The Town offered the Chemist Warehouse a settlement of \$7,500.00 by way of costs in satisfaction of Order 5 of the Tribunal Determination dated 1 September 2006, which was open till 31 July 2007.
- 31 July 2007 Deacons Lawyers for the Chemist Warehouse sent a response to the Town's solicitors' William Handcock that the full sum of \$27,507.64 is required to be paid.
- 15 August 2007 Further hearing at the Magistrate's Court regarding the unauthorised tethered advertising balloon sign, to be attended by the Town's Lawyers William Handcock.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Town's Signs and Advertising Policy does not permit tethered advertising balloon signs to be erected within the Town.

The Town's Prosecution Policy No. 4.1.22 requires consideration to be given in taking prosecution action, instead of, or in addition to applying alternative enforcement actions, in circumstances including alleged failure to comply with a notice within a reasonable period of time.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The 2007/2008 Budget lists \$25,000 for Town Planning Administration - Legal Expenses.

COMMENTS:

SAT Costs to Applicant

The total cost incurred by the Chemist Warehouse to-date in relation DR 123 of 2006 and DR 124 of 2006 is \$27,507.64, as claimed by Deacons Lawyers.

The Town Solicitors have reviewed the costs submitted by Deacon Lawyers and have offered the Chemist Warehouse a settlement of \$7500.00 by way of cost in satisfaction of Order 5 of the Tribunal decision dated 1 September 2006, which was open till 31 July 2007.

The applicant's Solicitors have rejected the above offer.

SAT Costs to Town

The total cost incurred by the Town in relation to the above SAT matter amounts to \$1,463.00 for Lawyers William Handcock and \$1,760.00 for Planning Consultant Mr Simon Bain, resulting in a total of \$3,223.00

Prosecution cost to Town relating to the tethered advertising balloon sign

The Town's Lawyers (William Handcock) costs incurred to-date is \$930.00. Should the Town withdraw the prosecution, the additional cost would be \$883.00, in addition to the above \$930.00, resulting in a total of \$1,813.00.

Prosecution – A Possible Negotiated Outcome

The Director Development Services, Coordinator Statutory Planning, and Development Control Officer met with Ms Shiok Moon Law of Chemist Warehouse and Mr Sunil Narula, State Manager for Western Australia, My Chemist/Chemist Warehouse Group at the request of Ms Shiok Moon Law on 2 August 2007 to discuss the both matters. At that meeting, the parties agreed to the following matters in principle, which the Town's Officers advised still required the Council's authorisation. It is to be noted that the offer of not seeking cost from the Town in relation to the SAT Order, and the Town not pursuing prosecution for the tethered advertising balloon sign as a compromise was initiated by Ms Law and Mr Narula.

The proposed Deed of Settlement will embrace the following:

- Ms Shiok Moon Law will instruct her Lawyers, Deacons to request SAT to withdraw the matter relating to costs associated with Review Matters DR 123 of 2006 and DR 124 of 2006. The Applicant/Appellant will be responsible for their own legal and other costs in full;

- The Town agrees to meet all of its own legal costs for the SAT and the balloon prosecution matters;
- The Town will be responsible for its own costs in preparing a Deed of Settlement, and give opportunity for the draft agreement to be vetted by Deacons Lawyers at their own cost; and
- This will not preclude the Town for taking action any further non-compliances etc.

The Deed of Settlement will only be prepared after the Council's Meeting of 14 August 2007, in the event that the Council does not support the Officer's Recommendation.

Reasons for Not Proceeding with Legal Action

1. The occupiers of Chemist Warehouse have incurred legal expenses of \$27,507.64 in defending their case against the Town, in the State Administrative Tribunal, for a matter initiated by the Town (and subsequently found against the Town due to incorrect information provided by the City of Perth).
2. The occupiers have incurred further legal expenses (not specified) to defend themselves against alleged contravention of Town Planning Legislation for what is considered to be relatively minor breaches. (ie. displaying an advertising balloon and affixing advertisements (paper signs) to their premises).
3. The occupiers have given verbal assurances that they will not knowingly breach any further Planning Legislation.
4. The occupiers have agreed to prepare a sign strategy for their premises for the Town's approval.
5. The occupiers have advised that should the Town continue with the prosecution concerning affixing (paper signs) to their premises, the Town should be consistent with their actions and prosecute other business proprietors in the area who have also carried out the same.
6. The Town has expended considerable staff resources and incurred legal costs of \$3223 (State Administrative Tribunal) and \$930 (Magistrates Court) to date and further costs if the prosecution is continued.
7. In the event that the prosecutions are continued and are successful, the Magistrate is likely to award penalties at the lower end of the range (ie 1st offence, minor breach).
8. No further recent complaints have been received concerning these premises.

Public Interest Factors

The Town's Policy No 4.1.22 – "Prosecution" details matters which should be considered when determining a prosecution. Clause 5 prescribes the evaluation of the Public Interest. Consideration has been given to factors specified in Clause 5.2.1 – Factors which may weigh against prosecution. The occupiers are now aware of their Town Planning and Development Act obligations and it is considered that it is not in the public interest to continue with the prosecutions.

The Town's Lawyers William Hancock have advised that they will still need to attend the Magistrate Courts on 15 August 2007 and seek an adjournment in terms of the prosecution for the tethered advertising balloon sign. William Hancock Lawyers further advise that, if the Deed of Settlement to be considered at the Ordinary Meeting of Council to be held on 14 August 2007 is approved, to allow time and in order not to compromise the Town's position, the prosecution should be kept on foot until the deed is signed, meaning that it will need to be adjourned on 15 August 2007 to a further mention.

The Town will also provide Ms Shiok Moon Law with a letter stating that the use of the premises is approved in accordance with the SAT decision. In addition, the Town has agreed to meet Ms Shiok Moon Law and Mr Sunil Narula on-site in the near future to discuss a suitable signage strategy for the business and any building addition that they may wish to pursue.

Action Taken to Prevent a Recurrence

In terms of the Notice of Motion considered at the Ordinary Meeting of Council on held on 10 October 2006, as an interim measure more vigilant checks are been undertaken in terms of archival searches associated with the City of Perth records and for the newly acquired areas within the City of Stirling and EPRA, if required.

The Town's Officers in association with the Town's Lawyers William Hancock have been ensuring that the costs sought by the applicants are kept to a minimum and reasonable level acceptable to SAT, based on other similar actions at SAT.

On the above basis, it is recommended that the Town do not proceed with prosecution proceedings against the Occupiers (Chemist Warehouse) of Nos. 412-414 (Lot 2) Fitzgerald Street, corner Forrest Street, North Perth for alleged contravention of the Town's Town Planning Scheme No. 1 and committing an offence pursuant to the provisions of the Planning and Development Act 2005 for the above mentioned reasons, and also enter a Deed of Settlement to protect the Town from any future legal cost/challenges in relation to the cost Order of the SAT dated 1 September 2006.

At 9.35pm **Moved Cr Ker, Seconded Cr Farrell**

That an "open" meeting be resumed.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

15. CLOSURE

The Presiding Member, Mayor Nick Catania JP, declared the meeting closed at 9.35pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward
Cr Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services
Rick Lotchnicker	Director Technical Services

No media representatives or members of the public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 14 August 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007