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**(21 DECEMBER 2004)**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 21 December 2004, commencing at 6.10pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.10pm.

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Rick Lotznicher	Executive Manager Technical Services (Annual Leave)
Rob Boardman	Executive Manager Environmental and Development Services (Annual Leave)

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Steed Farrell	North Ward (until 8.29pm)
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Jim MacLean	Acting Executive Manager, Environmental and Development Services
Des Abel	Manager Planning and Building Services
Craig Wilson	Acting Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)
Matt Zis	Journalist – Guardian Express (from 6.15 until 9.09pm)

Approximately 42 Members of the Public

**(c) Members on Leave of Absence:**

- Cr Caroline Cohen for the period 15 to 30 December 2004 inclusive for personal reasons.
- Cr Helen Doran-Wu for the period 12 December 2004 to 3 January 2005 inclusive for personal reasons

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

1. Mr Graham Emery of 4 Blake Street, North Perth – Item 10.1.2 – Stated that it has been *"a very long and arduous journey"* and thanked the Council officers for their patience and diligence.
2. Ms Kate Hall of 327 Pier Street, Perth – Item 10.4.10 - Not opposed to the two events taking place in principle but is very disappointed in the way in which the Town has handled the proceedings so far. Extremely unimpressed with the number of matters relating to the concert and would

like some answers forthwith. Asked why her letter wasn't acknowledged in the Agenda. Requested that this letter be copied and given to Elected Members. Cannot believe that the promoter of such an event would advertise before being given any indication whatsoever that this was likely to be approved. Asked why, when the Town received the application and noticed the long duration, it didn't inform the event organisers straight away of any policy. Referred to the Financial Assistance Agreement and Heads of Agreement which states the Stadium be made available for significant occasions such as Commonwealth Games and World Championships, then goes to say that the Town does not support events of long duration – questioned how long did the Council think the Games would be. Believes that the organisers must have been given some indication that the event would take place. Cannot understand the lack of consultation.

*Mayor Catania advised Ms Hall that Ms Hall's letter had been circulated to all Elected Members and that the Town had received notification of the second event much later than it should have.*

**Journalist Matt Zis entered the Meeting at 6.15pm.**

3. Mr Matt Callahan of 52 Fairfield Street, Mt Hawthorn – Item 10.1.15 – Referred to the two-way entry and exit from the underground carpark which is directly opposite their new installed carpark. Believes the exit from "Unity Lane" is about 17metres away from the entry and exit point of the underground carpark and will create accidents. Stated that there is an existing driveway into the carpark which should have been retained also potentially making this an entry into the carpark so there would be an exit from Unity Lane and entry to the underground carpark. Requested consideration of his comments.
4. Mr Peter Dean of 54 Fairfield Street, Mt Hawthorn – Item 10.1.15 – Reinforced Mr Callahan's comments. Requested Council consider making it a one-way downward ramp which will still provide access into the carpark and access out of the carpark via the new road. Stated that Fairfield Street is a local access road and not the local distributor road.
5. Mr John Fletcher-Jones of 19 Ruth Street, Perth – Item 10.1.10 – Stated that in the original letter received regarding the proposed development, it was stated that it would be situated on the back between Brisbane and Amy Streets. Stated that it is not on the back of Amy Street but on a right of way. Believes that the setback proposed are far too small and there were real privacy issues. Requested that Council consider his comments.
6. Ms Raelene Smith of 3 Wakeland Close, Woodvale – Item 10.1.16 – Stated the property is in a very poor condition. Believes the property lends itself to being subdivided. Believes it is in the best interest of the entire community to allow the development of this property as it will improve the aesthetics of the area.

7. Mr Phillip Ker of RJ Knight, Petty, Ker & Associates of South Perth - Item 10.1.3 – Referred to the condition to require double glazing to the north facing windows of the development. Requested that Council substitute "double glazing" with the words "6.38mm laminated glass" as this provides better sound control performance, enhance solar control and better security. Believes that the outdoor area will be used in a socially acceptable and appropriate manner. Stated that they have no objection to the signage requested for the outdoor area. Also stated that the relocation of the outdoor area will result in a relocation of additional units to this same area and believes this will have a greater impact on the school.
8. Mr Maurice Berettieri on behalf of his parents who reside at 108 Edinboro Street, Mt Hawthorn Item 10.1.7 – Stated that there has been correspondence with the neighbours and they are willing to agree to the removal of the condition provided that they did not object to their current renovations. Stated that when they submitted their application they were told that there would be a fee of \$100 subsequently they have been advised that this was incorrect and it would be \$400. Requested that Council show some leniency with regards to the fee.
9. Ms Erica Crooke of 13 Vine Street, North Perth – Item 10.1.12 – Stated that she has concerns with the vehicle access being from the right of way as it is not sealed and is privately owned. Does not believe it can support the number of vehicles that will be using it. Advised that vehicles exiting the right way cannot see the footpath until they are right on it and would be dangerous to pedestrians. Requested that if the vehicle access is approved on the right of way that a security gate put on the development as it would restrict the number of people using it and also install traffic calming needs.
10. Ms Claire Ozich of 22 Monger Street, Perth – Item 10.1.2 – Stated that she had emailed her objections to Elected Members. Believes the reasons the Council rejected the previous application for this site remain the same. Stated her concerns to be non-compliance with the R Codes, policies, bulk and scale of development remains inconsistent with the streetscape, an overdevelopment of the site and have an adverse impact.
11. Mr Dan Caddy of 1 Eucla Street, Mt Hawthorn – Item 10.1.15 - Requested that his comments be transcribed in full. They were as follows:

*"I speak tonight not to the details of the plans for the development but to the process that has taken place that has seen us arrive at this point.*

*As chair of a precinct group it is often the case that I am up here crying out for more consultation from developers, however, this development has seen an unparalleled level of public consultation with Hawaiian Group and their partners being completely accessible at every point of the way. In fact instead of constantly needing to be pushed by residents Hawaiian, together with the Johnson Group, has taken the lead in organising public forums and alike open to all. For this, as a community representative I take my hat off to the team who have done a fantastic job. Obviously there are still some issues as we have heard tonight. Despite these valid concerns this has by far been the most cooperative approach between council, residents and a developer that I have been involved with and I would hope that the success of this process would lead to the council and*

*future developers recognising the need and desirability for a similar process for future developments of this scale.*

*Congratulations to all involved, and in that I include the developer, Council officers and residents.*

*Finally, I would ask your Worship if this item may be brought forward on the agenda as there are many people present here specifically for that item."*

12. Ms Paula Davis of 11 Vine Street, North Perth – Item 10.1.12 – Stated that they were happy with the response to their concerns about privacy however, requested that a screen be placed on the upstairs balcony. Also stated that she has concerns with the rear use of the right of way and the fact that there is only one "visitors" bay in the proposed development. Believes this will cause increased parking and traffic for the residents of Vine Street.
13. Ms Tania Astbury of 21 Ruth Street, Perth – Item 10.1.10 – Stated that her concerns were overlooking and privacy. Acknowledged the removal of the balcony but is still concerned with the appropriateness of the development. Does not believe the amenity of the area will be increased significantly by the proposal.
14. Ms Karen Manson of 60 Fairfield Street, Mt Hawthorn – Item 10.1.15 – Agreed with Dan Caddy's comments. Requested that the down ramp to the lower carpark off Fairfield Street be a one-way access point allowing traffic to enter but not to exit as cars can exit to Fairfield Street using the new one-way road. Believes it will be far safer for a car to be exiting on a one-way level road into Fairfield Street than on an upwardly slopped ramp into Fairfield Street.
15. Mr Horatio Alvarez of Hawaiian Management Group – Item 10.1.15 – Stated that they have worked very closely with the community members and tried to accommodate all their needs. Believes that the proposal tabled tonight is as good as they can get.
16. Mr AJ Maddah of Michael Chugg Entertainment – Item 10.4.10 – Gave a background/outline of the company. Stated that they want their events to be embraced by the community and want give all regard to the local government and the community as far as consultation goes. Stated that they do not want any adverse impact on the community. Spoke about the Moonlight Music and Wine Festival. Appreciates the constructive comments received from the public.
17. Mr Jim Christos of 132 Eton Street, North Perth – Item 10.1.9 – Stated that the development would have a significant impact on his privacy. Requested that the proper screening be adopted as per the recommendation on the second floor balcony.

18. Mr Enzo Biagoni of van der Meer Consulting – Item 10.1.25 – Stated that the company has grown of the previous ten years from 20 to 80 and this has put considerable load on their resources and the street in terms of parking. Advised that the time limit parking that was previously introduced did improve the situation and would have been happy if the Council had stopped there. Stated that the option to use the rear of the Italian Club is not viable for security reasons. Requested the number be increased from 20 to 40.
19. Ms Holly Hammond of 22 Monger Street, Perth – Item 10.1.2 – Believes that Monger Street currently demonstrates how a inner-city area can have mixed use while still retaining character. Concerned that the proposed development will undermine the character of the street. Believes it is clearly an overdevelopment of the site and is in breach of policy and R Codes and will impact on the parking in the street. Urged the Council to require compliance.
20. Mr Maurice Ryan of 7 Baker Avenue, Perth – Item 10.1.20 – Requested that Council defer this Item until the new year.
21. Ms Anna Chin of 108 Harold Street, Mt Lawley – Item 10.4.9 – Supported the motion from Mr Maier. Stated that since she has had her dog she has met more than a hundred people by taking her dog for a walk. Requested that a small amount of money be allocated in the budget for taps and picnic benches. Believes that the parks in the Town should shared by everyone.
22. Mr Gary Shier of 7 Seabrook Street, Mt Hawthorn representing the Aranmore Catholic Primary School – Item 10.1.3 – Stated that the issue of the outdoor area was raised at the initial meeting with the applicant. Does not believe that the proposed signage in this area would be effective. Stated again that their concerns are the possible bad language would be heard by the students. Requested that the applicant reconsider where they put the outdoor area and make the south side the location which is adjacent to a park.
23. Mr Chris Knight from the Moonlight Music and Wine Festival of 355 Guildford Road, Bayswater – Item 10.4.10 – Stated that they were pleased with community feedback received and how constructive it was. Stated that it is important for the community to embrace such events and would like to get as many residents along to the event as possible by offering substantial discounts to residents within a 200m radius of the venue.
23. Mr Robert Knott of 23 Richardson Street, South Perth – Item 10.1.3 – Believes that the people living in the development will have their own concerns about language and use of the outdoor court and it is wrong to assume that there is going to be anti-social behaviour.
24. Mr Dudley Maier of 51 Chatsworth Road, Highgate – Item 10.1.26 – Believes it is an appalling report which has a number of inconsistencies. Referred to a number points in the report. Stated that the management plan does not agree with the report. Referred to the Satisfaction Survey, in particular to the 30% of Highgate residents dissatisfied with the parking control in the area.

Item 10.4.10 – Stated that the advertising was appalling. Thanked the CEO for answering his questions about Members Equity. Referred to the allocation of tickets to the Management Committee for such events. Asked the CEO given that the tickets cost between \$140 and \$650 each does he think that the members of the Management Committee should declare a conflict of interest.

*The CEO advised that during the discussion with Allia and Perth Glory at the time about corporate facilities and what will be provided to Allia and the Town. Allia will be getting approximately 40 tickets for promotional purposes and also as part of it get 8 tickets to a corporate suite to be shared by the Management Committee. The Town will be entitled to 8 tickets but the Mayor has not negotiated 8 tickets for this event. The choice of whether or not the tickets will be taken up has not yet been considered or even raised by Allia. Stated that he does not believe there is any conflict and the matter will be coming before the Council early in the New Year.*

25. Mr John Bettes of 1 Coogee Street, Mt Hawthorn – Item 10.4.9 – Believes Mr Maier's motion is to be commended as wise and constructive. Stated that by making a commitment to the dog owners, this Council will be saying that it does value the diversity of those living within the Town.
26. Mr Bill Fletcher of 24 Monger Street, Perth – Item 10.1.2 – Concerned that this development is up for approval. Stated that he is very concerned with privacy and the lack of solar access as a result of the shading. Believes that the sun shading on his property would be approximately 80%.

There being no further questions from the public, the Presiding Member closed Public Question Time at 7.15pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS**

Nil.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**6.1 Ordinary Meeting of Council held on 7 December 2004**

**Moved Cr Ker, Seconded Cr Torre**

*That the Minutes of the Ordinary Meeting of Council held on 7 December 2004 be confirmed as a true and correct record.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

7.1 Town of Vincent Local Law Relating to Dogs - Item 10.4.2

The purpose of the amendment to the Local Law is to accommodate the Decision, taken by the Council on 14 September 2004, relating to the creation of a specific dog exercise area that will operate at all times.

Les Lilleyman Reserve is sufficiently large to allow a 6000 square metre area to be marked off, for use at all times by dog owners.

This report is submitted to facilitate the inclusion of this free exercise area in the appropriate schedule to the Local Law Relating to Dogs.

2. Deferral of Agenda Item 10.1.18 - Relating to No. 96 (Lots 135 and 136) Vincent Street, Mount Lawley

The applicant has requested that this Item be deferred to allow the applicant to obtain an independent heritage assessment of the existing residence and to prepare a report on the application's compliance with the Alma Locality Plan 20 Policy Statement.

**8. DECLARATION OF INTERESTS**

- 8.1 Mayor Catania declared a financial interest in Item 10.3.2 – Investment Report. The nature of his interest being that he is Chairperson of the North Perth Community Bank.
- 8.2 Cr Ker declared a proximity interest in Item 10.1.18 – No 96 (Lot(s) 135 and 136) Vincent Street, Mount Lawley – Proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Single Houses. The nature of his interest being that he owns property in close proximity.
- 8.3 Cr Chester declared a proximity interest in Item 10.1.18 – No 96 (Lot(s) 135 and 136) Vincent Street, Mount Lawley – Proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Single Houses. The nature of his interest being that he is co-owner of property in proximity to the development.
- 8.4 Cr Franchina declared a proximity interest in the following Items:
- 10.4.2 – Repeal of Town of Vincent Local Law Relating to Charles Street Building Line – By-Law No 62. (Building Line). The nature of his interest being that he is part owner of property in Charles Street.
  - 10.1.26 – Re-introduction of Residential Parking Restrictions in the Area Surrounding Members Equity Stadium for 2005/06. The nature of his interest being that his daughter owns property in close proximity.
  - 10.4.10 – Approval of Concerts at Members Equity Stadium, 310 Pier Street, Perth – Policy Development. The nature of his interest being that his daughter owns property in close proximity.
  - 10.4.11 – Members Equity Stadium, 310 Pier Street, Perth – Progress Report No 2 Relating to Australian Rugby Union Super 14's. The nature of his interest being that his daughter owns property in close proximity.

- 10.4.12 – Approval of Public Artwork Brief – Department of Sport and Recreation (DSR) Building – 246 Vincent Street, Leederville. The nature of his interest being that his daughter owns property in close proximity.
- 8.5 Cr Franchina declared a financial interest in Item 10.1.22 –Progress Report No 1 – Leederville Business District – Investigation of Funding Sources for Possible Public Infrastructure: The nature of his interest being that he owns property in Oxford Street.
- 8.6 Cr Lake declared a proximity interest in Item 10.1.26 – Re-introduction of Residential Parking Restrictions in the Area Surrounding Members Equity Stadium for 2005/06. The nature of her interest being that she is part owner of two properties in Chatsworth Road and stated that she shares this interest in common with a significant number of ratepayers and requested that Council give permission for her to remain in the Chamber and participate in the debate and voting.
- 8.7 Cr Lake declared an interest affecting impartiality in Item 10.4.9 – Minutes of the Annual General Meeting of Electors held on 13 December 2004. The nature of her interest being that her partner move a motion at the Annual General Meeting.
- 8.8 Cr Farrell declared an interest affecting impartiality in Item 10.1.7 – No. 108 (Lot 1) Edinboro Street, Mount Hawthorn – Window to Existing Single House (Application for Retrospective Approval). The nature of his interest being that he lives in the street but not in close proximity.
- 8.9 The Chief Executive Officer, John Giorgi, declared an interest affecting impartiality in Item 10.4.6 – Tender for the Catering Rights for Leederville Oval, 246 Vincent Street, Leederville. The nature of his interest being that he has had previous professional contact with Embassy Caterers at Perth Oval and recently at Leederville Oval. He stated that they are not the preferred tenderer.

**The Presiding Member advised that Cr Lake's request to remain in the Chamber and participate in the debate and voting in Item 10.1.26 would now be considered.**

**Cr Lake departed the Chamber at 7.23pm.**

**Moved Cr Ker, Seconded Cr Franchina**

***That Cr Lake be permitted to remain in the Chamber and participate in the debate and voting for Item 10.1.26.***

**Debate ensued.**

**CARRIED (4-2)**

<b><u>For</u></b>	<b><u>Against</u></b>
<b>Cr Chester</b>	<b>Mayor Catania</b>
<b>Cr Farrell</b>	<b>Cr Torre</b>
<b>Cr Franchina</b>	
<b>Cr Ker</b>	

**(Crs Cohen and Doran-Wu on approved leave of absence. Cr Lake was absent from the Chamber and did not vote.)**

**Cr Lake returned to the Chamber at 7.26pm and the Presiding Member advised Cr Lake of the Council's decision.**

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

**Cr Torre departed the Chamber at 7.27pm.**

Cr Franchina asked the following questions.

**Preamble:**

In providing the response to the questions relating to Annual Leave, the following is advised. The Local Government Officers (Western Australian) Award 1999 at Clause 24.5.2, states;

*"In special circumstances, with the consent of the employer, an employee may defer the taking of any accrued Annual Leave or any part thereof not taken for a period not exceeding three years after the date when the leave accrued is due." - This would relate to a total of 12 weeks' leave.*

The Town's Policy No. 4.3.13 refers to a maximum of eight (8) weeks' Annual Leave and for the purposes of these responses and this is the amount applied to the term "excessive" in the questions.

**Questions:**

Q1. How many members of staff have excessive accrued Annual Leave and to what extent?

CEO's Response:

*Two (out of approximately 192 full time equivalent employees). One employee exceeds the Policy amount by nine (9) days and the other person exceeds the amount by twelve (12) days.*

Q2. Which members of staff have excessive accrued leave as per Policy 4.3.13?

CEO's Response:

*The Local Government Act prescribes that matters relating to individual employees are confidential. Of the employees referred to in Q1., one is an outside worker in the Town's Technical Services Division and the other is employed in the Administration and Civic Centre.*

Q3. What measures, if any, are being taken to clear this leave?

CEO's Response:

*The Town's Administration has a procedure whereby the CEO, Executive Managers, Managers, Supervisors and Payroll Officer regularly review the amount of accrued leave. Furthermore, the Town's Manager Human Resources is specifically required to report on a quarterly basis to the CEO, on any leave which exceeds the prescribed amount.*

*Both employees referred to in Q1. have already submitted an application for annual leave which will bring the amount well below that referred in the Council Policy. One employee will be taking 20 days leave in February 2005 and the other employee will be taking 25 days from 24 January 2005. This is the first opportunity to take the leave, taking cognisance of other employees who will be on leave, work priorities and commitments.*

- Q4. Who is responsible for any deviation from protocol - in this instance, the taking of Annual Leave - and what may be the ramifications of such contractual divergence?

CEO's Response:

*The Local Government Act at Section 5.41(g) states that the CEO is ultimately responsible for the employment, management, supervision, direction and dismissal of employees. However, as stated in response to Q3., the CEO has delegated this matter to the respective Divisional Executive Managers, Section Managers, Supervisors and Manager Human Resources. The accrual of excessive annual leave has the ramification of causing the organisation additional cost as the leave is paid at the rate which applies at the time the leave is taken. As the Town has only two employees in this category (out of approximately 192 full time equivalent employees) and, as the employees have taken appropriate action to reduce the leave, there are no adverse ramifications to the Town.*

**Cr Torre returned to the Chamber at 7.32pm.**

**Cr Chester departed the Chamber at 7.32pm.**

- Q5. What is the procedure for nominating an Employee of the Month?

CEO's Response:

*The procedure for nominating an employee for the Employee of the Month award was approved at the Ordinary Meeting of Council held on 27 May 1996 and is as follows;*

- (a) nominations for the award to be made in writing by members of the public, fellow employees, Elected Members or Management;*
- (b) nominations are to be received by the Chief Executive Officer no later than the second Monday of each month (for presentation in the following month);*
- (c) the winner be selected jointly by the Mayor and Chief Executive Officer;*
- (d) the award, a prize of \$50 [subsequently has been increased to \$75], together with an appropriate certificate, be presented by the Mayor at the first Council meeting of each month;*
- (e) the employee's photograph to be displayed in the foyer of the Administration and Civic Centre, Town of Vincent Library and Beatty Park Aquatic [Leisure] Centre, for a period of one month;*
- (f) an Employee of the Month Display Board be displayed in the foyer of the Administration and Civic Centre;*

- (g) *persons are not to be awarded more than one award in any 12 month period;*
- (h) *the Chief Executive Officer and Executive Managers will be ineligible for the Award.*

Q6. Where did my nomination vary from the procedure?

CEO's Response:

*I am not aware that Cr Franchina's nomination varied from the procedure. There has not been any statement made about this.*

Q7. Why was the nominee overlooked?

CEO's Response:

*The nominee was not overlooked. Each month a number of employees' names are submitted for consideration of the Award. In accordance with the procedure, nominations are assessed by the Mayor and CEO and a decision is made on the merit of the nominations.*

*In this case, the Mayor and CEO consider that other nominations are more meritorious and accordingly, their name has been put forward. Cr Franchina's nominee has previously received the award in late 1998 and again in 2001.*

**Cr Chester returned to the Chamber at 7.35pm.**

Q8. Was the original written advice given to me correct?

CEO's Response:

*Yes.*

Q9. When will my nomination be accepted?

CEO's Response:

*The nomination will be considered at the appropriate time each month and will be assessed on its merits.*

**10. REPORTS**

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 10.1.2, 10.4.10, 10.1.15, 10.1.10, 10.1.16, 10.1.3, 10.1.7, 10.1.12, 10.1.9, 10.1.25, 10.1.20, 10.1.26 and 10.4.9

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

Items 10.1.3, 10.1.29, 10.3.3, 10.4.2 and 10.4.3

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/special majority and the following was advised:**

Cr Ker	Item 10.2.4
Cr Lake	Items 10.2.1 and 10.3.1
Cr Chester	Items 10.1.13, 10.1.24, 10.1.29, 10.4.5 and 10.4.8
Cr Torre	Nil.
Cr Farrell	Nil.
Cr Franchina	Nil.
Mayor Catania	Nil.

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

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

Items 10.1.18, 10.1.22, 10.1.26, 10.3.2, 10.4.2, 10.4.10, 10.4.11 and 10.4.12

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

Items 10.1.1, 10.1.4, 10.1.5, 10.1.6, 10.1.8, 10.1.11, 10.1.14, 10.1.17, 10.1.19, 10.1.21, 10.1.23, 10.1.27, 10.1.28, 10.2.2, 10.2.3, 10.3.4, 10.3.5, 10.4.1, 10.4.4, 10.4.6, 10.4.7, 10.4.13 and 10.4.14

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

Nil.

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 10.1.1, 10.1.4, 10.1.5, 10.1.6, 10.1.8, 10.1.11, 10.1.14, 10.1.17, 10.1.19, 10.1.21, 10.1.23, 10.1.27, 10.1.28, 10.2.2, 10.2.3, 10.3.4, 10.3.5, 10.4.1, 10.4.4, 10.4.6, 10.4.7, 10.4.13 and 10.4.14

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

Items 10.1.2, 10.4.10, 10.1.15, 10.1.10, 10.1.16, 10.1.3, 10.1.7, 10.1.12, 10.1.9, 10.1.25, 10.1.20, 10.1.26 and 10.4.9

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

**Moved Cr Ker, Seconded Cr Franchina**

*That the following unopposed items be moved en bloc;*

*Items 10.1.1, 10.1.4, 10.1.5, 10.1.6, 10.1.8, 10.1.11, 10.1.14, 10.1.17, 10.1.19, 10.1.21, 10.1.23, 10.1.27, 10.1.28, 10.2.2, 10.2.3, 10.3.4, 10.3.5, 10.4.1, 10.4.4, 10.4.6, 10.4.7, 10.4.13 and 10.4.14*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

**The Presiding Member advised that the Council would consider Items 10.1.20 and 10.1.18 as there had been requests from the applicants for deferral.**

**A member of the public also requested that Item 10.1.15 be brought forward. The Presiding Member advised that this Item would be dealt with after the requested deferrals.**

**10.1.20 Nos. 405-407 (Lots 301 & 300) William Street, Perth - Change of Use from Vehicle Sales Premises to Shop, Warehouse and Office (Application for Retrospective Planning Approval) and Proposed Change of Use to Eating House and Take Away Food Outlet and Associated Alterations and Additions - Town Planning Appeal Tribunal Case Management Conference**

Ward:	South	Date:	14 December 2004
Precinct:	Beaufort; P13	File Ref:	PRO0173; 00/33/2163
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council DOES NOT SUPPORT as part of the Town Planning Appeal Tribunal Appeal No: 229 of 2004, the deletion of or amendment to condition (v) (amalgamation of the subject lots) or the alternative of granting a temporary Planning Approval, in relation to the Planning Approval granted for Change of Use from Vehicle Sales Premises to Shop, Warehouse and Office (Application for Retrospective Planning Approval) and Proposed Change of Use to Eating House and Take Away Food Outlet and Associated Alterations and Additions, at No(s). 405-407 (Lot(s) 301 & 300) William Street, Perth, for the following reasons:*

- (i) the deletion or amendment of condition (v) (amalgamation of the subject lots) is not consistent with the orderly and proper planning and the preservation of the amenities of the locality,*
- (ii) alternative arrangements are ineffective to ensure that the required car parking provided on site will continue to be provided and functional in the event that the subject lots become under separate ownership;*
- (iii) alternative arrangements are ineffective to provide sufficient notification to new owners and occupiers of the development and the property of the requirement to ensure that the car parking provided on site will continue to be provided and functional; and*
- (iv) amalgamation of the subject lots will enable the development to comply with the Deemed-to-Satisfy Provisions of the Building Code of Australia (BCA), namely, Part C3 and Specification C1.1 of the BCA, relating to fire protection.*

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**COUNCIL DECISION ITEM 10.1.20**

**Moved Cr Ker, Seconded Cr Torre**

*That the Item be DEFERRED at the applicant's request.*

**CARRIED (6-1)**

**For**  
**Mayor Catania**  
**Cr Farrell**  
**Cr Franchina**  
**Cr Ker**  
**Cr Lake**  
**Cr Torre**

**Against**  
**Cr Chester**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

<b>Landowner:</b>	J & F Duva Holdings Pty Ltd & Tjohjono & Young
<b>Applicant:</b>	M Ryan
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Shop, Warehouse, Office
<b>Use Class:</b>	Shop, Warehouse, Office Building, Eating House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	671 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 26 March 2002            The Council at its Ordinary Meeting granted conditional Planning Approval for a proposed change of use from office/showroom/warehouse to vehicle sales premises.
- 27 July 2004            The Council at its Ordinary Meeting granted conditional Planning Approval for a proposed Change of Use from Vehicle Sales Premises to Shop, Warehouse and Office (Application for Retrospective Planning Approval) and Proposed Change of Use to Eating House and Take Away Food Outlet and Associated Alterations and Additions
- 27 September 2004    Applicant lodged Notice of Appeal with the Town Planning Appeal Tribunal (TPAT). The applicant appealed against condition (v) of Planning Approval resolved on 27 July 2004.
- 13 October 2004        Case management conference held at the TPAT.
- 12 November 2004     Case management conference held at the TPAT.

**DETAILS:**

The applicant seeks to appeal condition (v) of Council's resolution at its Ordinary Meeting held on 27 July 2004. Condition (v) states as follows;

*"(v) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);"*

**CONSULTATION/ADVERTISING:**

There is no requirement to formally advertise such matters.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes (R Codes).

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Car Parking**

Car parking requirement (nearest whole number) -Office - 19 square metres require 0.38 bay -Eating House - 13 square metres require 2.88 bays -Warehouse - 264 square metres require 3 bays for the first 200 square metres and 1 bay per 100 square metres. Total: 3.64 bays -Shop - 116 square metres require 7.73 bays	15 car bays
Apply the adjustment factors. ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of one or more existing public car parking place(s) with in excess of a total 25 car parking spaces)	(0.686)  10.29 car bays
Minus the car parking provided on site	6 car bays
Resultant shortfall	4.29 car bays

The car parking shortfall as represented in the above table is 4.29 car bays when applying the adjustment factors and accounting for the provided car parking bays on-site. Additional car parking bays are difficult to accommodate on-site as it is an established development. The Town's Policy relating to Parking and Access, suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. This would equate to a payment of \$10,725. The Council at its Ordinary Meeting held on 27 July 2004 conditionally approved the application, and deleted the condition contained in the Officer Recommendation requiring payment of a cash-in-lieu contribution of \$10,725 for the 4.29 car parking bays shortfall.

**Condition (v) - Amalgamation**

The existing building and car parking area on site straddles the current boundary between the subject Lots 300 and 301. The subject approved development involves alteration works that will also straddle the boundary.

The subject amalgamation condition was applied for the following main reasons:

- (i) The proposal intensified the activity and car parking requirements on site.
- (ii) To ensure that the required car parking provided on site will continue to be provided and functional in the event that the subject lots become under separate ownership. Alternative arrangements, such as a Temporary Planning Approval, are considered ineffective in this instance.

- (iii) To provide sufficient notification to new owners and occupiers of the development and the property of the requirement to ensure that the car parking provided on site will continue to be provided and functional. Alternative arrangements, such as a Temporary Planning Approval, are considered ineffective in this instance.
- (iii) To comply with the Deemed-to-Satisfy Provisions of the Building Code of Australia (BCA), namely, Part C3 and Specification C1.1 of the BCA, relating to fire protection. In terms of the BCA, the change of use results in a change of building classification, which requires a complying fire-separating wall to be constructed within the building along the existing boundary between the subject lots. This will result in a significant modification to the building and internal layout. The subject amalgamation will not require the construction of the above fire separating wall.

**Conclusion**

In light of the above, the deletion of or amendment to condition (v) (amalgamation of the subject lots) or the alternative of granting a temporary Planning Approval, is not supported for the reasons detailed in the Officer Recommendation.

Mayor Catania advised that Crs Chester and Ker had declared a proximity interest in this Item. Crs Chester and Ker departed the Chamber at 7.40pm and did not speak or vote on the matter.

**10.1.18 No. 96 (Lots 135 and 136) Vincent Street, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Single Houses**

<b>Ward:</b>	South	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO2933; 00/33/2442
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 P Greaves on behalf of the owner RL Greaves for proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Single Houses, at No(s). 96 (Lot(s) 135 & 136) Vincent Street, Mount Lawley, and as shown on amended plans stamp-dated 3 September 2004 (existing house plan) and 18 November 2004, 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 buildings on boundaries and privacy requirements of the Residential Design Codes, and the Town's Policies relating to the Alma Locality, Local Character and Heritage Management, respectively;*
- (iii) the existing dwelling is considered to have some cultural heritage significance in terms of its historic and aesthetic values, and considerable cultural heritage significance in terms of its aesthetic value in relation to the surrounding dwellings; and*
- (iv) consideration of the objections received.*

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**COUNCIL DECISION ITEM 10.1.18**

**Moved Cr Torre, Seconded Cr Farrell**

*That the Item be deferred at the request of the applicant.*

**CARRIED (5-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Crs Chester and Ker were absent from the Chamber and did not vote.)

Crs Chester and Ker returned to the Chamber at 7.41pm and Mayor Catania advised them that the Item had been deferred.

<b>Landowner:</b>	RL Greaves
<b>Applicant:</b>	P Greaves
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	926 square metres
<b>Access to Right of Way</b>	North side, 5.02 metres wide, sealed, Town-owned

**BACKGROUND:**

2 December 2002 The subject lots were granted conditional subdivision approval by the Western Australia Planning Commission.

10 December 2004 The Town's Officers advised the applicant that the subject proposal cannot be supported and that the proposal will be referred to Council for determination.

**DETAILS:**

The proposal involves demolition of existing single house and construction of four (4) two-storey single houses at the subject property. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	4 dwellings - R 40	4 dwellings - R 40	Supported - no variation.
Plot Ratio	N/A	N/A	N/A
Local Character	Intact streetscapes are strongly encouraged to be maintained	Demolition of dwelling within an intact streetscape.	Not supported- refer to demolition comments.
Setbacks:			
<u>Units 1 and 3</u>			
Ground floor			
- East	1.5 metres	Nil	Supported- internal boundary, no undue impact on neighbours. Supported- staggering of setbacks. Supported-compliant with Cl.3.3.2- Buildings on Boundary.
- East (Garage)	1.0 metre	Nil	
- West	1.5 metres	0-3.65 metres	
- West (Garage)	1.0 metre	Nil	
1st Floor			
- East	2.0 metres	Nil	Supported- internal boundary, no undue impact on neighbours.

- South/Front (Balcony)	6.0 metres	4.78 metres	Supported- open balcony, no undue impact on streetscape.
<u>Units 2 and 4</u>			
Ground floor	1.5 metres	Nil	Supported- internal boundary, no undue impact on neighbours.
- West	1.0 metre	Nil	
- West (Garage)	1.5 metres	0-3.65 metre	Supported- staggering of setbacks.
- East	1.0 metre	Nil	Not supported-non-compliant, refer to 'Buildings on Boundary'.
- East (Garage)			
1st Floor	2.0 metres	Nil	Supported- internal boundary, no undue impact on neighbours.
- East			
- South/Front (Balcony)	6.0 metres	4.78 metres	Supported- open balcony, no undue impact on streetscape.
Privacy	Balconies setback 7.5 metres from boundary or suitably screened.	<u>Units 1 and 3</u> Balcony 2.6 metres to west boundary  <u>Units 2 and 4</u> Balcony 2.6 metres to east boundary	Not supported- balcony should be conditioned to be screened in event of approval.
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	<u>Unit 1</u> Two boundary walls proposed.  Western boundary wall compliant.  Eastern boundary wall has an average height of 6.5 metres and a maximum height of 5.8 metres, for 76.9 % of boundary.  <u>Unit 2</u> Two boundary walls proposed.  Western boundary wall has an average height of 6.5 metres and a maximum height of 5.8 metres, for 76.9 % of boundary.  <u>Unit 3</u> Two boundary walls proposed.	Supported- no variation.  Supported- internal boundary, no undue impact on neighbours.  Supported- internal boundary, no undue impact on neighbours.

		<p>Eastern boundary wall has an average height of 5.9 metres and a maximum height of 6.6 metres, for 76.9 % of boundary.</p> <p><u>Unit 4</u> Two boundary walls proposed.</p> <p>Eastern boundary wall has an average height of 3.45 metres and a maximum height of 3.6 metres, for 17.2 % of boundary.</p> <p>Western boundary wall has an average height of 5.9 metres and a maximum height of 6.6 metres, for 76.9 % of boundary.</p>	<p>Supported- internal boundary, no undue impact on neighbours.</p> <p>Not Supported- undue impact on neighbour.</p> <p>Supported- internal boundary, no undue impact on neighbours.</p>
Height	6.0 metres	5.3-6.4 on east elevation	Not supported- should be conditioned to comply in event of approval.
<b>Consultation Submissions</b>			
Support	N/A		N/A
Objection (1)	<ul style="list-style-type: none"> <li>• Non- conformance with Town's Policy relating to Heritage Management- Municipal Heritage inventory.</li> <li>• Non- conformance with Town's Policy relating to Alma Locality.</li> </ul>		<p>Supported- refer to demolition comments.</p> <p>Supported- refer to demolition comments.</p>
Comments (1)	<ul style="list-style-type: none"> <li>• Height and bulk</li> <li>• Overshadowing</li> <li>• Boundary wall finishes</li> </ul>		<p>Height and setbacks is considered supportable in terms of bulk.</p> <p>Due to site orientation, overshadowing not considered to unduly affect neighbours.</p> <p>Standard boundary wall condition to be applied in event that proposal is approved.</p>

<b>Other Implications</b>	
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.

**Demolition**

A detailed heritage assessment is attached to the report, and can be summarised as follows:

- The subject dwelling at No 96 Vincent Street forms part of a cohesive group of mostly single storey original dwellings demonstrating a range of styles along the portion of Vincent Street between Norfolk and Hyde Streets. It was constructed prior to 1912 and represents a part of the building stock built following the Gold Rush period and the expansion of the city to the north. Many of the original features and fittings remain intact, such as recessed decorative cornices and 12 inch skirting boards. Although the place is not rare in isolation it has *some historic and aesthetic value*.
- However, in terms of its relation to the surrounding dwellings and the overall contribution to the style and character of places along this portion of Vincent Street, its aesthetic value is *considerable*.
- The subject place is listed on the Town's Interim Heritage Database.
- The place therefore has cultural heritage significance, and meets the minimum criteria for entry into the Town's Municipal Heritage Inventory.
- The proposed redevelopment is contrary to design elements within the Town's Policies 3.2.1 Local Character, and 3.6.2 Heritage Management.

In light of the above, it is recommended that the demolition of the existing dwelling be refused.

**COMMENTS:**

While the proposed variations relating to the redevelopment are generally supportable, provided that the privacy, height and buildings on boundaries (where it affects the eastern neighbour) requirements are complied with, the proposal is not considered to have regard for the Town's Policies relating to Local Character and Heritage Management. Additionally, the demolition of the existing single house is not supported on heritage grounds.

Accordingly, the application for demolition and the redevelopment are recommended for refusal.

**Moved Cr Chester, Seconded Cr Torre**

*That Item 10.1.15 be brought forward as requested by a member of the public and as there were numerous people in the public gallery for this Item.*

**CARRIED (7-0)**

**10.1.15 Nos. 148-158 (Lots 13, 31 & 121) Scarborough Beach Road, Corner Flinders Street and Fairfield Street, Mount Hawthorn - Partial Demolition of and Alterations and Additions to Existing Shopping Centre and Construction of Two-Storey Carpark**

<b>Ward:</b>	North	<b>Date:</b>	15 December 2004
<b>Precinct:</b>	Mt Hawthorn Centre; P2	<b>File Ref:</b>	PRO0266; 00/33/2531
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 James Christou & Partners Architects on behalf of the owner Hawaiian Management Group and Hyde Park Management Ltd for proposed partial demolition of and alterations and additions to existing shopping centre and construction of two-storey carpark, at Nos. 148-158 (Lots 13, 31 & 121) Scarborough Beach Road, corner Flinders Street and Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 10 December 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) prior to the issue of a Building Licence, Management Plans addressing after hours security to carpark including closure times, collection of rubbish, loading/unloading operations and collection of shopping trolleys, shall be submitted to and approved by the Town. The implementation of the Management Plan undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans;*
- (v) prior to the first occupation of the development, ten (10) class-one or two and fifteen (15) class-three bicycle parking facilities shall be provided at a location convenient to the entrance and within the development. The owners shall provide additional class one or two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (vi) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic, use of right of way (ROW) Unity Lane, carparking, dust and any other appropriate matters (such as notifying all landowners/occupiers of commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *doors, windows and adjacent floor areas fronting Scarborough Beach Road, part of Flinders Street and the proposed "Internal Road" shall maintain an active and interactive relationship with these streets;*
- (ix) *the car parking area(s) on the subject land shall be sealed, drained, paved, line marked and lit 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;*
- (x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$10,345 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$73,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *a detailed landscaping plan, including a list of plants, planting of mature advanced species of plants/trees, screen landscaping and reticulation along the carparks along Flinders and Fairfield Streets and along the northern boundary, and the landscaping and reticulation of the Flinders Street and Fairfield Street verges adjacent to the proposal, shall be submitted and approved with consultation being undertaken with the residents along Fairfield and Flinders Streets, 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);*

- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *design features being incorporated into the walls adjacent to the loading docks and the carpark facing Fairfield and Flinders Streets, to further compliment the street scape;*
  - (b) *continuous and complementary awnings being provided over part of the Scarborough Beach Road and Flinders Streets footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Street, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Flinders Street and Scarborough Beach Road ;*
  - (c) *incorporation of design features, and colour, compatible materials and height details relating to the transformer along the Flinders Street frontage within the lot;*
  - (d) *details, including materials and height, of retaining walls surrounding Unity Lane; and*
  - (e) *provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access.*

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

- (xv) *the maximum floor space shall be limited as follows:*
- (a) *shops -6242 square metres of gross floor area;*
  - (b) *eating house (café/restaurant) -340 square metres of public area; and*
  - (c) *take away food outlet -173.6 square metres area open to the public and 24.8 square metres of queuing area;*

*unless adequate car parking is provided for the changes in floor area use or floor space area;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Torre, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Ker, Seconded Cr Lake**

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

- "(iv) *prior to the issue of a Building Licence, Management Plans addressing after hours security to carpark including closure times, collection of rubbish, loading/unloading operations and collection of shopping trolleys, shall be submitted to and approved by the Town. The implementation of the Management Plan undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans which shall include;*

- (a) *management of the internal road with a view to pedestrian safety and amenity (eg a "shared zone");*

- (b) external signage to make it clear that Flinders Street is the primary car parking access from Scarborough Beach Road;
- (c) fixed signage within the car park to direct circulating traffic on the lower deck to the Flinders Street entry/exit for access to the upper deck; and
- (d) variable message signage visible on Flinders Street, prior to entry into the carpark, indicating when there are no parking bays available on the lower level and directing cards to the upper level entry;"

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Cohen and Doran-Wu on approved leave of absence.)

Moved Cr Torre, Seconded Cr Franchina

*That a new clause (xiv)(f) be added as follows:*

*"(f) the ingress and egress point to the lower deck carpark from Fairfield Street being restricted to an entrance (ingress) point only;"*

Debate ensued.

AMENDMENT CARRIED (4-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Farrell
Cr Chester	Cr Ker
Cr Franchina	Cr Lake
Cr Torre	

(Crs Cohen and Doran-Wu on approved leave of absence.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Cohen and Doran-Wu on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.15

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by James Christou & Partners Architects on behalf of the owner Hawaiian Management Group and Hyde Park Management Ltd for proposed partial demolition of and alterations and additions to existing shopping centre and construction of two-storey carpark, at Nos. 148-158 (Lots 13, 31& 121) Scarborough Beach Road, corner Flinders Street and Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 10 December 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*

- (ii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) *prior to the issue of a Building Licence, Management Plans addressing after hours security to carpark including closure times, collection of rubbish, loading/unloading operations and collection of shopping trolleys, shall be submitted to and approved by the Town. The implementation of the Management Plan undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans which shall include;*
  - (a) *management of the internal road with a view to pedestrian safety and amenity (eg a "shared zone");*
  - (b) *external signage to make it clear that Flinders Street is the primary car parking access from Scarborough Beach Road;*
  - (c) *fixed signage within the car park to direct circulating traffic on the lower deck to the Flinders Street entry/exit for access to the upper deck; and*
  - (d) *variable message signage visible on Flinders Street, prior to entry into the carpark, indicating when there are no parking bays available on the lower level and directing cards to the upper level entry;*
- (v) *prior to the first occupation of the development, ten (10) class- one or two and fifteen (15) class-three bicycle parking facilities shall be provided at a location convenient to the entrance and within the development. The owners shall provide additional class one or two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic, use of right of way (ROW) Unity Lane, carparking, dust and any other appropriate matters (such as notifying all landowners/occupiers of commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *doors, windows and adjacent floor areas fronting Scarborough Beach Road, part of Flinders Street and the proposed "Internal Road" shall maintain an active and interactive relationship with these streets;*
- (ix) *the car parking area(s) on the subject land shall be sealed, drained, paved, line marked and lit 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;*

- (x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$10,345 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$73,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *a detailed landscaping plan, including a list of plants, planting of mature advanced species of plants/trees, screen landscaping and reticulation along the carparks along Flinders and Fairfield Streets and along the northern boundary, and the landscaping and reticulation of the Flinders Street and Fairfield Street verges adjacent to the proposal, shall be submitted and approved with consultation being undertaken with the residents along Fairfield and Flinders Streets, 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);*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *design features being incorporated into the walls adjacent to the loading docks and the carpark facing Fairfield and Flinders Streets, to further compliment the street scape;*
  - (b) *continuous and complementary awnings being provided over part of the Scarborough Beach Road and Flinders Streets footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Street, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Flinders Street and Scarborough Beach Road;*

- (c) *incorporation of design features, and colour, compatible materials and height details relating to the transformer along the Flinders Street frontage within the lot;*
- (d) *details, including materials and height, of retaining walls surrounding Unity Lane;*
- (e) *provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access; and*
- (f) *the ingress and egress point to the lower deck carpark from Fairfield Street being restricted to an entrance (ingress) point only.*

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

(xv) *the maximum floor space shall be limited as follows:*

- (a) *shops -6242 square metres of gross floor area;*
- (b) *eating house (café/restaurant) -340 square metres of public area; and*
- (c) *take away food outlet -173.6 square metres area open to the public and 24.8 square metres of queuing area;*

*unless adequate car parking is provided for the changes in floor area use or floor space area;*

*to the satisfaction of the Chief Executive Officer.*

<b>Landowner:</b>	Hawaiian Management Group and Hyde Park Management Ltd
<b>Applicant:</b>	James Christou & Partners Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre, Special Use-Carpark, and Residential
<b>Existing Land Use:</b>	Shop and Non-Conforming Use Carpark
<b>Use Class:</b>	Shop & Carpark
<b>Use Classification:</b>	"P" & "P" and "Non-conforming Use"
<b>Lot Area:</b>	12,740 square metres
<b>Access to Right of Way</b>	North of property, 5 metres wide, sealed and is a dedicated road

**BACKGROUND:**

The above development proposal was presented to an Elected Members Forum on 5 October 2004. The applicants have also separately held community consultation meetings with residents in the vicinity of the shopping centre site.

**DETAILS:**

The proposal involves proposed partial demolition of existing shops and alterations and additions to existing shopping centre and construction of two-storey carpark. The proposed floor areas are as follows:

Mount Hawthorn Shopping Centre -net lettable area in square metres

<b>Existing Floor Space</b>	<b>Proposed Floor Space</b>
<ul style="list-style-type: none"> <li>• Woolworths tenancy-2642</li> <li>• Speciality tenancies-2064</li> <li>• Scarborough Beach Road tenancies-747</li> </ul>	<ul style="list-style-type: none"> <li>• 2642</li> <li>• 2809</li> <li>• 1266</li> </ul>
<b>Total - 5453</b>	<b>6717</b>

The current retail floor space for the Mount Hawthorn District Centre is 12,000 square metres. The increase in the floor space to 13264 (12000 + (6717-5453)) square metres net lettable area is below the 15,000 square metres net lettable area (NLA) recommended in the Metropolitan Centres Policy Statement (MCPS).

The existing shopping centre enjoys non-conforming use rights under the Town of Vincent Town Planning Scheme No.1 (TPS1) as the existing shops uses are partially located on the Special Use-Carpark, with part of the existing carpark located on Residential zoned land. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
<b>Consultation Submissions</b>			
Support (3)	Some of the comments received from the public commend and favour the proposal and are of the view that the redevelopment will revitalise the area.		Noted.
Objection (9)	<p>Management of traffic within the car park and its impact on Flinders and Fairfield Streets, in terms of exit/entry ramp of the upper level, which is considered noisy and dangerous, reduced visibility as it is too close to residential properties, with children bedrooms adjacent to the proposed ramp. The above would also result in reduction in the quality of life, and safety.</p> <p>Main entry/exit should be located nearest to the Flinders/Fairfield Streets junction with Scarborough Beach Road.</p> <p>The car park layout indicates that if a shopper does not have a car bay would have to exit the site to find a car bay at the appropriate level, which is unacceptable and will create additional traffic movements and increase danger to pedestrians along the street.</p> <p>Preference for an internal ramp system. The loss of car bays in lieu of an internal ramp is preferred in lieu of the loss of a few car bays.</p>		<p>Supported- as applicants have taken into account concerns and suggestions raised by the residents and submitted revised plans addressing the internal and external traffic flow by way of reducing the number of crossovers. The number of crossovers to the upper level and lower level carpark from Fairfield Street has been reduced from 4 crossovers to 3 crossovers. Along Flinders Street, the number of crossovers proposed is 3.</p> <p>Not supported- as an internal ramp system has been investigated, and while it is possible, it will result in the loss of 32 car bays, which is likely to result in increased</p>

	<p>Can the one way traffic along the lower level car park be reversed from Fairfield Street to Flinders Street?</p> <p>The removal of the existing mature landscaping strip planted by the local resident precinct group along Fairfield Street, which is proposed to be replaced by a reduced landscape strip, is not supported. Residents are prepared to work with the Town and the developers in the landscaping aspect of the street verge and walls along Fairfield Street.</p> <p>Brick paving of footpaths.</p> <p>Access by service vehicles using the upper level car park for short cuts from Flinders Street to Fairfield Street. If ramp along the north most location along Fairfield Street is retained, it should be a down ramp to the lower car park, with speed humps and closure of the ramps closest to residential properties at night, due to likely increase of use of the carpark by patrons attending other entertainment areas in the area.</p> <p>The 1.5 metres landscaping strip along the northern boundary of the car park is considered insufficient and should be increased.</p>	<p>demand for on- street car parking. Further more constraints on the number of car bays has been placed by the main tenant, Woolworths, who have required the shopping centre owners to provide a certain number of car bays for its shoppers' needs, prior to signing off the deal for the development to proceed.</p> <p>Not supported- as the proposed one way traffic for the lower level car park works more efficiently rather than the opposite direction.</p> <p>Supported– as a condition has been recommended to this effect of including resident consultation in the landscaping along the two mentioned streets.</p> <p>Noted- and can be considered as part of the landscaping and footpath relocation along Flinders and Fairfield Streets.</p> <p>Supported- as the ramp has been deleted and an overhead metal bar is to be installed to prevent service vehicles using the upper car park for access from the above mentioned streets. The carpark is also to be secured after hours, which has been recommended as a condition.</p> <p>Not supported- as the level of the carpark is slightly lower than the adjoining lots to the</p>
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	<p>Fairfield Street north of the shopping centre car park should be closed.</p> <p>Proposal does not indicate how the increased service vehicles will gain access to the site. The trucks are to use Fairfield Street as a thoroughfare.</p> <p>Provision of inadequate number of car bays on-site, resulting in cars being parked on other commercial properties.</p> <p>Concern that the car park will be used by patrons of the Paddington Ale House, which is of concern to residents in terms of the current layout and access to the site.</p> <p>Consideration of a round-about at the intersection of Woodstock Street and Fairfield Street.</p> <p>Unreasonable times for rubbish collection, sometimes at 4.30 am.</p> <p>Commitment from Town that the Fairfield Street/Scarborough Beach Road intersection is not changed as a result of the proposed development.</p>	<p>north, and the proposed landscaping is considered adequate for the purposes of screening.</p> <p>Not supported- as this will affect the traffic circulation in the area.</p> <p>Noted- as the smaller service vehicles will be permitted to use the internal street outside the retail hours. All other larger service vehicles will be required to use the existing loading dock, including smaller service vehicles, during normal retailing hours.</p> <p>Not supported- as the overall number of car bays required is lesser, as more car bays are being provided.</p> <p>Noted- the applicant has advised that the owners of the shopping centre have no intention to enter into a formal agreement with the Paddington Ale House for the provision of car bays for its patrons.</p> <p>Not supported- as traffic issues relating to Wood Stock Street is currently being reviewed by the Local Area Traffic Management Advisory Group.</p> <p>Noted- and this issue has been brought to the attention of the applicants.</p> <p>Not supported- as the intersection will not be changed as a result of the proposed development.</p>
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	<p>Artwork be incorporated to the car park walls along Fairfield and Flinders Streets</p> <p>Power lines bordering the development to be sunk.</p> <p>Request for the ongoing monitoring of traffic along Fairfield and Flinders Streets, and to resolve issue that arise due to increase in traffic.</p>	<p>Supported- as a condition to require design features to the walls has been recommended.</p> <p>Not supported- as this is a matter involving Western Power and the Town, and there are no plans for placing the power underground at this point in time.</p> <p>Noted- and will be considered by the Town's Technical Services.</p>
Question (2)	<p>Rumours that work will take place at night.</p> <p>ROW should be remain open and accessible to the carpark, as residents have used Unity Lane for many years to access their garages or alternatively turning facilities be provided at the southern end of the ROW.</p> <p>Shopping centre management to advise land owners of start of intending works.</p> <p>Any damage caused by works is rectified by the developers.</p>	<p>Not supported- as work will be required to be undertaken from 7 am to 7 pm Monday to Saturday unless special approval is granted by the Chief Executive Office of the Town of Vincent.</p> <p>Noted- and will be further discussed under the heading Unity Lane.</p> <p>Noted- and will be part of the management plan, where the applicant will be required to inform nearby residents of the anticipated start date of construction works.</p> <p>Not supported- as any damage to private property is a separate civil matter to be resolved by the affected parties.</p>
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
<b>Car Parking</b>		
<b>Requirements</b>		<b>Required</b>
Total car parking required before adjustment factor (nearest whole number)		

Retail- 1 car bay per 15 square metres of gross floor area (6242 square metres)= 416.13 car bays Take-Away Food Outlet- 1 space per 4.5 square metres of seating area (173.6square metres) plus 1 space per 2.5 square metres of queuing area (24.8 square metres)= 48.49 car bays Restaurant (Café/Eating House) -1 space per 4.5 square metres of public area (340 square metres)= 75.55 car bays	540 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.90 (provision of "end of trip" facilities for bicycle users)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces)</li> <li>▪ 0.90 (within District Centre Zone)</li> </ul>	( 0.5852) 316 car bays
Car parking provided on site	280 car bays
Minus the carparking shortfall currently applying to site ( <u>after taking into account relevant adjustment factors</u> ) i.e. 437 car bays x 0.65 = 284.05 car bays ( <u>the adjustment factors excludes the "end of trip facilities</u> ) <u>Previously, 245 car bays provided for commercial component, resulting in an existing shortfall of 39.05car bays</u>	39.05 car bays
Resultant surplus	3.05 car bays

#### Bicycle Parking Facilities

Requirements	Required	Provided
<b>Retail</b> 1 per 300 (proposed 6242) square metres public area for employees (class 1 or 2). 1 space per 200 (proposed 6242) square metres over 1000 square metres for visitors (class 3).	20.81 spaces 31.21 spaces	End of trip facilities and some bicycle racks are indicated on site plans
<b>Restaurant</b> (café/eating house) 1 space per 100 (proposed 340) square metres public area (class 1 or 2) 2 spaces plus 1 space per 100 (proposed 340) square metres public area (class 3)	3.4 spaces 5.4 spaces	
<b>Take-away food outlet</b> 1 space per 100 (proposed 496) square metres gross floor area (class 1 or 2) 1 space per 50 (proposed 496) square metres gross floor area (class 3)	4.96 spaces 9.92 spaces	

\* 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.

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of twenty nine (29) class 1 or 2 and forty seven (47) class 3 bicycle parking bays rounded to the nearest whole number. For this particular proposal, the bicycle parking facilities required for class one or two and class three are considered excessive and it is recommended that these be reduced to ten (10) class one or two, and fifteen (15) class three bicycle facilities. Should a demand arise for additional bicycle facilities, these should then be installed by the shopping centre owners. As such, an appropriate condition should be applied accordingly.

## **COMMENTS:**

### **Retails Floor Area**

The proposal can be determined by the Town based on delegation under the Metropolitan Region Scheme as the proposed NLA of 13264 square metres is within the 15,000 square metres limit recommended under the MCPS. Email response received from the Manager of Metropolitan North-East of the Department for Planning and Infrastructure, states that there is no need for referrals to the Western Australian Planning Commission in relation to increase in floor space, as the increased in floor space is within limits of the 15,000 square metres floor space allowed for the MCPS.

### **Partial Demolition**

The buildings to be partly demolished are considered not to have social or historical values to qualify for retention under heritage grounds, and as such the partial demolition is supported.

### **Zoning**

The existing shopping centre currently has some non-conforming use rights under the Town of Vincent Town Planning Scheme No.1 (TPS1) as the existing shops uses are partially located on the Special Use-Carpark and the existing carpark is partly located on Residential zoned land. The increase in the retail floor area over the non-conforming use area can be considered under Clause 16 of TPS1. The increase in the non-conforming use is considered to be within acceptable limits, does not compromise the base zonings applying to the site and is considered not to have an undue impact on the amenity of the area.

### **Carparking and Access**

In respect of carpark access, circulation and traffic issues, the Town's Officers have met separately with representatives of the Mount Hawthorn Precinct Group and the developers to discuss the residents' concerns.

The preliminary drawings, upon which the public consultation was based, depicted four vehicle access points from Fairfield Street, as opposed to three (3) from Flinders Street. These included the loading dock and service road, which are integral to the development. The other two (2) access points along Fairfield Street were proposed ramps to the upper and lower decks of the carpark. As Fairfield Street is classified as an Access Road under the Town's Functional Road Hierarchy, while Flinders Street is classified as a Local Distributor Road, the Precinct Group felt that this placed undue emphasis on Fairfield Street as the primary access.

The Precinct Group also considered that the deletion of the fourth vehicle access point (ramp) would improve pedestrian safety and amenity in Fairfield Street and would allow greater scope for streetscape enhancement.

The developers, in an endeavour to address the Precinct Group's concerns, undertook to redesign the carpark, thereby deleting the ramp to the upper level, as suggested by the Group. The net effect is that access to the upper level would be from Flinders Street only where as the lower deck can be accessed from either street. This reduces the impact upon those residents who live opposite to the development along Fairfield Street without significantly compromising the operating efficiency of the carpark.

The Precinct Group also requested that the developers consider an internal vehicle ramp to facilitate flow between the upper and lower decks in-lieu of the deleted ramp off Fairfield Street. The developer has advised that an internal ramp would result in the loss of between 22 and 32 car bays (dependent upon where the ramp was situated). This was seen by the developer as unacceptable as there is already a parking shortfall, risks the viability of the development in regards to lease agreements, and it would place greater emphasis upon the on-road parking along Fairfield and Flinders Streets.

### **Unity Lane**

The current Development Application indicates that Unity Lane, which terminates within site, will be closed to traffic. There are several coherent reasons as to why the developers have chosen this course of action however some residents of Unity Lane feel aggrieved.

Unity Lane is a dedicated road with street lighting. It starts at Woodstock Street and terminates as a 'dead end' at Lot 31, being the development site. To-date, residents of Unity Lane have been able to access their properties (predominately rear garages) from either Woodstock Street or via the existing shopping centre carpark. However there are potential liability and right of access issues that arise if the link is maintained and therefore the applicants are within their rights to block access.

The issues raised during the public submission period are considered to be adequately addressed in the revised plans dated 10 December 2004 (attached), and the updated traffic statement, which has been "*Laid on the Table*".

The upgrading of the streetscape that would be required as a part of the proposal would contribute to the improvement of the streetscape and visual amenity of the area.

### **Design**

The proposal reuses most of the existing building with architectural elements consistent in style and compatible with the building form in the area. The facades facing Scarborough Beach Road and part of Flinders Street have clear glazing so as to maintain an active and interactive relationship at street level. There is better pedestrian movement between the shopper carpark and the shops, better vehicular access, including protection from adverse weather conditions. Overall the proposal is considered to provide a catalyst and main street retailing concepts, which is overdue for the area.

### **Conclusion**

The proposal will revitalise the Mount Hawthorn District Centre, and is considered not to unreasonably affect the amenity of the adjacent or surrounding properties. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.1 Further Report - No. 3 (Lot 202) Glendower Street (Corner William Street), Perth - Proposed Two (2) Two-Storey Single Houses**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2004
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO2527; 00/33/2450
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah, M Bonini		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 N Sadek on behalf of the owner J Sadek for proposed construction of two two-storey single houses at No. 3 (Lot 202) Glendower Street, corner William Street, Perth, and as shown on the plans stamp dated 9 September 2004, 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 streetscape, building setbacks, building height, plot ratio, and density requirements of the Residential Design Codes;*
- (iii) the non-compliance with the street setback requirements of the Town's Policy relating to Robertson Locality; and*
- (iv) consideration of the objections received.*

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**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 23 November 2004 deferred consideration of the subject proposal as requested by the applicant. The Town's Officers have had further discussion with the owner on 2 December 2004 in terms of the Officer Recommendation for refusal at the Ordinary Meeting held on 23 November 2004. The owner was advised that if the same plans dated 9 September 2004 were to be reported back to Council, the Officer Recommendation would still be for refusal. The applicant/owner has requested that the plans as submitted be referred to Council for its consideration.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 23 November 2004.

*"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 N Sadek on behalf of the owner J Sadek for proposed construction of two two-storey single houses at No.3 (Lot 202) Glendower Street, corner William Street, Perth, and as shown on the plans stamp dated 9 September 2004, 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 streetscape, building setbacks, building height, plot ratio, and density requirements of the Residential Design Codes;*
- (iii) the non-compliance with the street setback requirements of the Town's Policy relating to Robertson Locality; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Franchina, Seconded Cr Ker

*That the Item be DEFERRED as requested by the applicant.*

CARRIED (6-2)

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

*(Cr Farrell was an apology for the meeting.)*

<i>Landowner:</i>	<i>J Sadek</i>
<i>Applicant:</i>	<i>N D Sadek</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80 (Multiple Dwellings Not Permitted)</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>304 square metres</i>

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>
<i>Density (as per R60)</i>	<i>1 dwelling R 80</i>	<i>2 dwellings Grouped Dwelling: R65 (9.65 per cent density bonus) Single House: R65 (18.42 per cent density bonus)</i>

<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>
<i>Plot Ratio</i>	<i>0.65 98.8 square metres per lot of 152 square metres</i>	<i>Unit 1 - 0.70 106.4 square metres Unit 2 - 0.71 109.4 square metres</i>
<i>Setbacks:</i>		
<i>Unit 1 - East/William Street</i>	<i>4 metres, and garage 6 metres behind the main building wall</i>	<i>1 metre to 1.5 metres, and garage aligned with main building wall</i>
<i>South Street Ground Floor (Garage)</i>	<i>1 metre</i>	<i>0 metre (Internal Boundary)</i>
<i>East/ William Street First Floor</i>	<i>6 metres</i>	<i>1.5 metres to 2 metres</i>
<i>West First Floor</i>	<i>2.1 metres</i>	<i>1.5 metres to 1.9 metres</i>
<i>South First Floor</i>	<i>1.1 metres</i>	<i>0 metres (Internal Boundary)</i>
<i>Unit 2 - East/William Street Ground Floor</i>	<i>4 metres, and garage 6 metres or behind the main building wall</i>	<i>1 metre to 4 metres, and garage aligned with main building wall</i>
<i>North Ground Floor (Sitting)</i>	<i>1 metre</i>	<i>0 metre (Internal Boundary)</i>
<i>East/William Street First Floor</i>	<i>6 metres</i>	<i>1.5 metres to 2.0 metres</i>
<i>West First Floor</i>	<i>1.9 metres</i>	<i>1.5 metres to 1.9 metres</i>
<i>Building Height</i>	<i>7 metres for a concealed roof</i>	<i>Unit 1 - 7.5 metres Unit 2 - 7.4 metres</i>

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

*\* 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.*

**SITE HISTORY:**

*The subject site is occupied by a single storey single house. A right of way abuts the lot on the southern side. The right of way is sealed and privately owned with a width of 3.02 metres.*

*The Council at its Ordinary Meeting of Council held on 27 April 2004 resolved to refuse the application for the construction of two two-storey single houses and approve the demolition for the existing dwelling.*

**DETAILS:**

*The applicant seeks approval the construction of two, two storey-single houses with orientation towards William Street.*

*The proposal is non-compliant in numerous areas relating mainly to the Residential Design Codes (R Codes) and also the Town of Vincent Town Planning Scheme No. 1 and Policies.*

**CONSULTATION/ADVERTISING:**

*The application was advertised and two written objections were received by the Town.*

*The main points raised in the letters are as follows:*

- *Building height.*
- *Reduced setback to the first floor of unit one on the north elevation facing Glendower Street.*

*The proposal occurs along William Street, which is classified as an Other Regional Road (ORR) Reservation. The proposal was referred to the Department for Planning and Infrastructure (DPI) for comment. DPI have notified that the development application is acceptable to its Integrated Transport Planning Directorate.*

**LEGAL/POLICY:**

*Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes (R Codes).*

**STRATEGIC IMPLICATIONS:**

*Nil.*

**FINANCIAL/BUDGET IMPLICATIONS:**

*Nil.*

**COMMENTS:**

**Setbacks**

*The setback variations relate to the front elevations of units 1 and 2 and also to the side elevations, with the exception of the north elevation for unit 1 and the south elevation for unit 2. The proposed setback variations pertaining to the lot are not considered acceptable and therefore not supported.*

**Plot Ratio**

*The plot ratio requirement is an indicator of the scale and bulk of a development. In this instance, the development exceeds the plot ratio requirement. The R Codes require a plot ratio of no more than 0.65. Unit 1 proposes 0.70 and unit 2, 0.71. The result is a maximum variation of 0.06 or 10.73 per cent from the requirement. A variation in plot ratio of this degree is not considered to be acceptable and indicates an over development of the site. The variation to plot ratio is therefore not supported.*

**Building Height**

*The applicant proposes a concealed roof for the development. The heights proposed are 7.5 metres for unit 1 and 7.4 metres for unit 2 in lieu of 7 metres as required. The height proposed is not considered acceptable and therefore not supported.*

**Density**

*The subject property is zoned R 80, however, all standards for grouped dwellings and single houses are as for R 60. Based on the total lot area being 305 square metres inclusive of the corner truncation, the maximum size of each lot is calculated at no more than 152.5 square metres. The subject lot is therefore considered to be a single residential lot with no subdivision potential. The subject property seeks two dwellings on a site that can support only one. The proposed variation to density is not considered to be acceptable and therefore not supported.*

*Response to Objections Received*

*The point raised in relation to height has been addressed and is not considered to be acceptable. The setback to the north elevation of unit 1 is compliant with the building setback requirements. The privacy setback is also compliant as the subject window overlooks the streets.*

*In view of the above, it is recommended that the proposal be refused due to the nature and extent of variations involved.*

*The applicant was advised of the Officer Recommendation for refusal in early October 2004."*

**10.1.4 Nos. 6/369-371 (Lot 8, Strata Lot No. 6) William Street (Corner Forbes Road), Perth - Proposed Signage Additions to Existing Shop**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2004
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO2538; 00/33/2560
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Mckean		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Carroll on behalf of the owners X Gao & X N Zhou for proposed Signage Additions to Existing Shop, at Nos. 6/369-371 (Lot 8, Strata Lot No. 6) William Street (corner Forbes Road), Perth, and as shown on plans stamp-dated 4 November 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (iv) all signage shall be kept in a good state of repair, safe, non-climbable and free from graffiti for the duration of their display on-site;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

<b>Landowner:</b>	X Gao & X N Zhou
<b>Applicant:</b>	D Carroll
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Shop
<b>Use Class:</b>	Shop
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	771 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 1 December 2003 Approval for internal alterations and additions only to existing shop at Nos. 6/369-371 (Lot 8, Strata Lot No. 6) William Street (corner Forbes Road), Perth was granted under delegated authority.
- 1 November 2004 Application received for signage additions to existing shop at Nos. 6/369-371 (Lot 8, Strata Lot No. 6) William Street (corner Forbes Road), Perth.
- 30 November 2004 A meeting on site revealed non - compliant roller doors additions. This matter is being further investigated and dealt with accordingly by the Town, and is a separate matter to this application.

**DETAILS:**

The proposal involves signage additions to existing shop at Nos. 6/369-371 (Lot 8, Strata Lot No. 6) William Street (corner Forbes Road), Perth. The proposed signs include a projecting sign attached above an awning and a wall sign.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Proposed projecting sign attached above an awning	Not exceed a vertical dimension of 500 millimetres	Vertical dimension of 700 millimetres	Supported - minor variation in the context of the existing building
<b>Consultation Submissions</b>			
No advertising was required for this application			
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

**COMMENTS:**

The proposed projecting sign attached above a verandah is considered acceptable as the variation to the vertical dimension does not unduly impact the streetscape and amenity of the area.

Approval is recommended, subject to standard and appropriate conditions.

**10.1.5 Nos. 396-398 (Lot 1) Fitzgerald Street (Corner Alma Road), North Perth - Proposed Signage Additions to Existing Office**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2004
<b>Precinct:</b>	North Perth Centre; P9	<b>File Ref:</b>	PRO2955; 00/33/2488
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Mckean		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 New Edison Sign Company on behalf of the owner Chelmsford House Pty Ltd & Jaimi Pty Ltd for proposed Signage Additions to Existing Office, at Nos. 396-398 (Lot 1) Fitzgerald Street (corner Alma Road), North Perth, and as shown on plans stamp-dated 21 September 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (iv) all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of their display on-site;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

<b>Landowner:</b>	Chelmsford House Pty Ltd & Jaimi Pty Ltd
<b>Applicant:</b>	New Edison Sign Company
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Office Building
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	392 square metres
<b>Access to Right of Way</b>	East side, 5.03 metres wide, sealed, Town of Vincent owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves signage additions to existing office at No(s). 396 - 398 (Lot(s) 1) Fitzgerald Street (Corner Alma Rd), North Perth. The proposed sign is an illuminated projecting sign attached to the underside of an awning.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Proposed illuminated projecting sign attached to the underside of an awning	Not exceed a vertical dimension of 500 millimetres	600 millimetres	Supported - minor variation in the context of the building and no undue impact on streetscape and amenity
<b>Consultation Submissions</b>			
No advertising was required for this application			
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

**COMMENTS:**

The proposed illuminated projecting sign attached to the underside of an awning is considered acceptable as it does not unduly impact the streetscape and amenity of the area.

Approval is recommended, subject to standard and appropriate conditions.

**10.1.6 No. 323 (Lot Y5) Charles Street (Corner Kadina Street), North Perth - Proposed Signage Addition to Existing Eating House**

<b>Ward:</b>	North	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	Charles Centre; P7	<b>File Ref:</b>	PRO1243; 00/33/2557
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Mckean		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Project Neon on behalf of the owner Commercial Projects Pty Ltd for proposed Signage Addition to Existing Eating House, at No. 323 (Lot Y5) Charles Street (corner Kadina Street), North Perth, and as shown on plans stamp-dated 26 October 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (iv) all signage shall be kept in a good state of repair, safe, non climbable and be free from graffiti for the duration of their display on-site;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

<b>Landowner:</b>	Commercial Projects Pty Ltd
<b>Applicant:</b>	Project Neon
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Eating House
<b>Use Class:</b>	Eating House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	321 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves signage additions to an existing eating house. The proposed sign is a projecting sign attached above an awning.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Proposed projecting sign attached above an awning	Not to exceed 2 metres in length or exceed a vertical dimension of 500 millimetres	Length - 3.06 metres  Vertical Dimension - 940 millimetres	Supported - given its context to the scale of the building. Not considered to have an undue impact on the streetscape or amenity of the area.
<b>Consultation Submissions</b>			
No consultation was required for this application			
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

**COMMENTS:**

The proposed projecting sign attached above an awning is considered acceptable in the context of the relative scale to that of the building, and is not considered to have an undue impact on the streetscape or amenity of the area.

Approval is therefore recommended subject to standard and appropriate conditions.

**10.1.8 No. 83 (Lot 1) Anzac Road, Mount Hawthorn - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House- Reconsideration of Condition**

<b>Ward:</b>	North	<b>Date:</b>	10 December 2004
<b>Precinct:</b>	Mt Hawthorn; P1	<b>File Ref:</b>	PRO2926; 00/33/2588
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners D & K Cole for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 83 (Lot 1) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 2 December 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No.85b Anzac Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 85b Anzac Road in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Anzac Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) a detailed landscaping plan, including a list of plant species and the landscaping and reticulation of the Anzac Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) prior to the first occupation of the development, the full length and width of the 0.5 metre widening of the right of way from the western most boundary to the eastern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (vi) the pergola shall remain as an unroofed open-framed structure, and be one hundred (100) per cent open on all sides and at all times except where it abuts the north and east elevations of the main structure; and*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to bedroom 1 on the eastern elevation not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

<b>Landowner:</b>	D & K Cole
<b>Applicant:</b>	D & K Cole
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	827 square metres
<b>Access to Right of Way</b>	South side, 5 metres wide, sealed, Town- owned

**BACKGROUND:**

23 November 2004: The Council at its Ordinary Meeting resolved to conditionally approve the application for an identical proposal.

**DETAILS:**

The proposal involves a proposed additional two-storey grouped dwelling to existing single house. The applicant seeks reconsideration of condition (ii) of the Planning Approval granted by Council at its 23 November 2004 meeting. Condition (ii) is as follows;

*"(ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the north side of the balcony on the upper floor shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; "*

The applicant has obtained written support from both the owner and tenant of the adjacent affected property. A letter of objection, which was not included in the previous report to Council, is addressed below in the assessment and comments section.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	R 30- 2 dwellings	R 24.13-2 dwellings	Supported - no variation
Plot Ratio	N/A	N/A	N/A

Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Setbacks: Ground floor - West  - South  1st Floor - South - West	1.5 metres  2.5 metres  2.5 metres 1.5 metres	0-1.8 metres (compliant with Cl.3.3.2- Buildings on Boundary) 2.45-3.2 metres  2.0-4.6 metres 1.3-1.8 metres	Addressed in the Report, Item 10.1.3 to the Ordinary Meeting of Council on 23 November 2004.
Privacy	Balconies setback 7.5 metres from boundary or suitably screened. Bedrooms setback 4.5 metres from boundary or suitably screened.	Northern side 2.6 metres from east boundary and not screened.  Bedroom 2 3.0 metres and Bedroom 4 2.5 metres from west boundary and not screened.	Supported-consent obtained by owner and tenant of affected property. Previously addressed.
<b>Consultation Submissions</b>			
Support	N/A		N/A
Objection (2)	<ul style="list-style-type: none"> <li>• Privacy (front neighbour not affected)</li> <li>• Western setback</li> <li>• Western boundary wall</li> </ul>		Previously addressed. Previously addressed. Not supported- wall compliant with Cl.3.3.2- Buildings on Boundary of Residential Design Codes (R Codes).
<b>Other Implications</b>			
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:**

Given the height of the wall, the orientation of the subject lot and the compliance with the R-Codes, the western boundary wall is not considered to have an undue impact on the western neighbour. The objection relating to this matter is therefore not supported.

In relation to the reconsideration of condition (ii) of the previous approval, this is supported on the basis that consent has been granted by the owner and tenant of the adjacent affected property.

Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions, excluding condition (ii) of the previous approval.

**10.1.11 No. 66 (Lot 5) Edinboro Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Additions to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	Mt Hawthorn; P1	<b>File Ref:</b>	PRO2957; 00/33/2491
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Australian Renovation Group on behalf of the owner A & L Brady for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 66 (Lot 5) Edinboro Street, Mount Hawthorn, and as shown on amended plans stamp-dated 29 November 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) this Planning Approval shall not be construed as approval for any retaining walls on site. All proposed retaining walls higher than 500 millimetres shall be subject to a separate application being submitted to and approved by the Town prior to the construction of such walls; and*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Edinboro Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.11**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

<b>Landowner:</b>	A & L Brady
<b>Applicant:</b>	Australian Renovation Group
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single house
<b>Use Class:</b>	Single House

<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	668 square metres
<b>Access to Right of Way</b>	East side, 4.6 metres wide, sealed, Town owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves partial demolition of and alterations and additions, including loft, to existing single house. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Setbacks: First Floor (Northern)			
Laundry	1.5 metres	0.85 metre	Supported - follows existing building line and affected neighbours' written consent provided.
Loft	4.4 metres	2.5 metres	Supported - follows existing building line and affected neighbours' written consent provided.
Privacy Setback: First Floor (Balcony)	7.5 metres	5.5 metres to eastern boundary	Supported - affected neighbours' written consent provided.
Building Height	6 metres to the top of the eaves	6.8 metres	Supported - nature of slope of land, follows existing building floor level, affected neighbours' written consent provided, and no undue impact on streetscape.
<b>Consultation Submissions</b>			
Support	<ul style="list-style-type: none"> <li>Support of neighbour affected by all variations</li> </ul>		Supported - written consent provided by northern neighbour who is effected by privacy, setback and height variations
Objection	N/A		N/A

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

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

**COMMENTS:**

The proposal was not required to be advertised as the affected neighbours provided their written consent to the proposal.

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

**10.1.14 No. 116 (Lot 6) Hobart Street, Mount Hawthorn - Proposed Alterations to Existing Two-Storey Office Building and Change of Use from Office to Office and Unlisted Use (Training Centre)**

<b>Ward:</b>	North	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	Mt Hawthorn Centre; P2	<b>File Ref:</b>	PRO2888; 00/33/2377
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 NRG Force on behalf of the owner Placid Holdings Pty Ltd for proposed Alterations to Existing Two-Storey Office Building and Change of Use from Office to Office and Unlisted Use (Training Centre), at No. 116 (Lot 6) Hobart Street, Mount Hawthorn, and as shown on plans stamp-dated 26 July 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the applicant/owner shall pay a cash-in-lieu contribution of \$15,375 for the equivalent value of 6.15 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (iii) all signage shall be subject to a Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) the uses shall be limited to;*
  - (a) 437 square metres of gross floor area for the first floor office component; and*
  - (b) 68 trainee seats/students for the ground floor training centre component.*
- An increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (v) doors and windows and adjacent floor areas fronting Hobart Street shall maintain an active and interactive relationship with this street; and*
- (vi) the hours of operation shall be limited to;*
  - (a) 9.00am to 5.00pm, Monday to Saturday, inclusive, for the ground floor office component; and*
  - (b) 5.00pm to 8.00pm, Monday to Wednesday, inclusive, for the ground floor training centre component;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.14**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

<b>Landowner:</b>	Placid Holdings Pty Ltd
<b>Applicant:</b>	NRG Force
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Office Building
<b>Use Class:</b>	Office Building and Unlisted Use (Training Centre)
<b>Use Classification:</b>	"P" and "Unlisted Use"
<b>Lot Area:</b>	788 square metres
<b>Access to Right of Way</b>	East side, 5 metres wide, sealed, Town owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves alterations to an existing two-storey office building and change of use from office to office and unlisted use (training centre). The applicant seeks to refurbish the existing office space on the ground floor and change the use to unlisted use (training centre). The purpose of the training centre is to educate and instruct people in the usage and application of selected hair products. It is noted that the first floor will remain as office space. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
<b>Consultation Submissions</b>			
Support	N/A		N/A
Objection	N/A		N/A
<b>Other Implications</b>			
Legal/Policy	TPS 1 and associated Policies.		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		
<b>Car Parking</b>			
Car Parking Requirement (nearest whole number)++ (Training centre component - 1 bay per 4 students (68 students) equals 17 car bays. Office component on first floor - 1 bay per 50 square metres of gross floor area (437 square metres) equals 8.74 bays)			26 car bays

Apply the adjustment factors <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 50 metres of one or more public car parks in excess of 75 spaces)</li> </ul>	(0.7225)  18.78 car bays
Minus car parking provided on-site	10 car bays
Minus the most recently approved on-site parking shortfall (after taking into account relevant adjustment factors)	2.63 car bays
Resultant shortfall	6.15 car bays

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

++The Car parking calculation for the office on the ground floor is not included in this figure. The training centre component creates a larger requirement for parking but will not operate at the same time, and therefore the office car parking requirement was not included.

**COMMENTS:**

**Parking**

In considering the car parking requirements the client's submission has been considered. The submission states that the training centre component of the development will be used between 5.00 pm and 8.00pm Monday to Wednesday evenings.

This means a reciprocal parking arrangement is able to occur between the ground floor office and training centre components of the development, and as such the 17 bays (minus the adjustment factors) are considered sufficient for the ground floor uses within the proposed development.

In considering the proposed car parking shortfall, the Town's Officers support the provision of a cash-in-lieu contribution of \$15,375.

**Summary**

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

**10.1.17 No. 14 (Lots 39 & Y38) Blake Street, Dual Frontage with Redfern Street, North Perth - Proposed Survey Strata Subdivision**

Ward:	North	Date:	14 December 2004
Precinct:	North Perth; P8	File Ref:	1551-04
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel	Amended by:	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission (WAPC), for the proposed survey strata subdivision application submitted by Spectrum Survey and Mapping for No. 14 (Lots 39 & Y38) Blake Street, dual frontage with Redfern Street, North Perth, and as shown on plans stamp-dated 2 November 2004 (subdivision 1551-04) for the following reasons:*
- (a) *the subdivision is not consistent with orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *non-compliance with Clause 20(4)(c)(i) of the Town's Town Planning Scheme No. 1, as a significant portion of the existing house is proposed to be demolished, therefore development (subdivision) is not permitted to R40 standards;*
  - (c) *non-compliance with the Residential Design Codes, as there is a significant variation to the minimum site area requirements under the R30 coding of the property; and*
  - (d) *the approval of the proposed subdivision could create an undesirable precedent for subdivision of lots with similar sizes within the area where a significant portion of the existing house is proposed to be demolished; and*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision, that the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

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**COUNCIL DECISION ITEM 10.1.17**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

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<b>Landowner:</b>	Van Nhung Nguyen
<b>Applicant:</b>	Spectrum Survey and Mapping
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30/40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	832 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

9 December 2004 The Town's Officers advised the applicant that the subject proposal cannot be supported due to the non-compliance with the Residential Design Codes and the Town's Town Planning Scheme No. 1. The applicant requested the proposal to be referred to Council for determination.

**DETAILS:**

The proposal involves a survey strata subdivision of the subject property into three lots as follows: Lot 1 - 434 square metres, Lot 2 - 200 square metres and Lot 3 - 200 square metres. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Density	2.77 dwellings R30	3 dwellings R40	Not supported - over-development of site.
Minimum site area for R30 density area	Average site area - 300 square metres  Minimum site area - 270 square metres	Lot 1 - 434 square metres Lot 2 - 200 square metres Lot 3 - 200 square metres Average - 278 square metres	Within the area coded R30/40, development will only be permitted to R40 standards where the existing house is retained. A significant portion of the existing house is proposed to be demolished therefore the density bonus in accordance with Clause 20 of the Scheme is not supported. Not supported - over-development of site
<b>Consultation Submissions</b>			
No consultation required for this application			

<b>Other Implications</b>	
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.

\* 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.

**COMMENTS:**

In light of the above, the proposal is considered to be over-development of the subject site and is therefore is recommended for refusal.

**10.1.19 Nos. 457-465 (Lot 110) Beaufort Street, Highgate - Proposed Alterations and Additions to Existing Warehouse, and Change of Use to Educational Establishment (Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	Mount Lawley Centre;P11	<b>File Ref:</b>	PRO2821; 00/33/2262
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 PA Samuels (1966) Pty Ltd on behalf of the owner TQ & TM Ly and TK Lam for Proposed Alterations and Additions to Existing Warehouse, and Change of Use to Educational Establishment (Application for Retrospective Approval), at Nos. 457-465 (Lot 110) Beaufort Street, Highgate, and as shown on plans stamp-dated 21 May 2004, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *non-compliance with the Town's Policy relating to Non-Residential Uses In/Or Adjacent to Residential Areas, in terms of noise generation;*
  - (c) *no drop-off and pick-up areas for students/parents attending the dance sessions, which is considered appropriate for the safety and convenience of users; and*
  - (d) *consideration of the objections received;*
- (ii) *the Council ADVISES the owners and occupier of No(s). 457-465 (Lot(s) 110) Beaufort Street, Highgate, that the unauthorised educational establishment use of this property is to cease operation within 14 days of the date of notification by the Town; and*
- (iii) *the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings against the unauthorised educational establishment use of this property if it does not cease operation within 14 days of the date of notification by the Town.*

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**COUNCIL DECISION ITEM 10.1.19**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

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<b>Landowner:</b>	TQ & TM Ly and TK Lam
<b>Applicant:</b>	PA Samuels (1966) Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban, Abutting Other Regional Road Town Planning Scheme No.1 (TPS 1): Commercial, Abutting Other Regional Road
<b>Existing Land Use:</b>	Warehouse
<b>Use Class:</b>	Educational Establishment
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	377 square metres
<b>Access to Right of Way (ROW)</b>	Western (rear) side, 4 metres wide, unsealed, privately owned

**BACKGROUND:**

The Town received a complaint that the above premises was operating as a dance studio, and that children attending the dance studio were dropped being off at the rear right-of-way to enter the premises.

Town's records indicate no approval being given for an educational establishment to operate from the above site.

**DETAILS:**

The application is for the proposed alterations and additions to an existing warehouse and for a change of use to educational establishment (application for retrospective approval).

The hours of operation are as follows:

Tuesday: 5.30pm to 9pm.

Wednesday: 5.30pm to 9pm.

Saturday: 9am to 4pm (6pm if working for a performance).

Intend to open on Mondays and Thursday from 5.30pm to 8pm.

No classes during school holidays.

Maximum number of 3 teachers on-site at any given time (session from 11am to 2 pm on a Saturday).

Sessions periods vary from 1 hour to a maximum of 2 hours, with student numbers for each session between 10, 15 and 30. The ages of student vary from 4 years to 25 years.

With younger students, parents park either directly in front of building, across the road or in Broome Street. This exercise takes 10 minutes.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
<b>Consultation Submissions</b>			
Support-these were submitted by the applicants (5)	Building being put to a better use.  Benefit to small businesses in the area.		Noted-comments from another business.  Noted- comments from another business.

	No excessive noise or music emanating from the above site.  Clear ways do not apply during class times, and there is street parking available.	Noted- comments from another business.  Noted.
Objection (2)	Noise (repetitive music, stamping and clattering of feet) on the hollow wooden floors from the above dance studio, which is invasive and impact on the ability to enjoy private space, amenity and quiet enjoyment of residence. If approval is given, restrictions and conditions in terms of operation and matters relating to sound attenuation, within the subject site.  Concern relating to level of traffic using the rear ROW. No access to the site should be allowed from the ROW, which did occur when the business started. The resulted in increase in traffic and vehicles noise with children being dropped off and picked up resulting in an unsafe environment. This has since stopped.	Supported-as the premises is not sound proof and noise levels are considered as a problem with such activities. Classes are also conducted in the evenings, when most people are at home.  Noted-the dance school has ceased parents/students from entering and existing through the rear door. All entry/exit is now through the front door from Beaufort Street.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
<b>Car Parking</b>		
<b>Requirements</b>		<b>Required</b>
Educational Establishment: 1 car bay per 4 students (10) above the driving age; and 1.25 car bays per class for students below driving age (1 class as both classes overlap each other).		2.5 car bays 1.25 car bays
Total car parking required before adjustment factor (nearest whole number)		4 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.85 (within 800 metres of rail station)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.90 (within 400 metres of one or more car parking places with excess of 50 car bays)</li> </ul>		(0.65025)  2.6 car bays
Minus car parking provided on-site		Nil
Minus existing car parking shortfall after applying adjustment factors		2.92 car bays
Resultant surplus		0.32 car bay

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

**COMMENTS:**

**Car Parking**

There is no specific car parking standards for educational establishments. Taking into account that the maximum number of students of driving age being 10 on a Wednesday night, with 1 teacher in attendance, it will be reasonable to use the standard of 1 car bay per 4 students of driving age in this instance, and 1.25 spaces for each class for students of non driving age. This standard is similar to the standard used for "Pre-School". The applicant has advised that 1 of the teacher's lives round the corner and has offered the use of car bays at the residential premises for this purpose.

**Engineering**

Town's Technical Officers have advised that parking for drop off and pick up areas should be provided on site for the use proposed.

**Health and Building**

The Town's Environmental Health Officers have advised that the applicant will be required to provide Health Services with an Acoustic Consultant's Report. The report must identify appropriate acoustic attenuation treatments to be undertaken to the building to ensure that the assigned levels in the Environmental Protection (Noise) Regulations 1997 are achieved at the two nearest residential dwellings, when the dance studio building is in use. The applicant must also provide Health Services with a written commitment advising that all acoustic attenuation treatments recommended in the report will be undertaken within a reasonable timeframe as agreed to by Health Services.

Matters relating to exits, fire protection and access are required to be complied with in accordance with the Building Code of Australia.

The issue of non-compliance with the Town's Policy relating to Non-Residential Uses In/Or Adjacent to Residential Areas, in terms of noise generation emanating from the dance studio is required to be addressed by way of noise attenuating measures. The Town's Officers however consider it appropriate that setting down and picking up of children is to be provided on-site for the convenience and safety of students and parents attending the above dance premises. As there is no opportunity for this on site, the proposal is not supported.

**10.1.21 No. 14 (Lot 5, Strata Lot No. 1) Bulwer Street (Corner Wright Street), Perth - Roller Door Addition to Carport to Existing Single House (Application for Retrospective Approval) - Determination of Town Planning Appeal Tribunal**

<b>Ward:</b>	South	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO0085; 00/33/2331
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah, B McKean		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in light of the Town Planning Appeal Tribunal decision on 6 December 2004 to uphold an appeal and approve the application submitted by owner DD and EJ Nair for roller door addition to carport to existing single house (application for retrospective approval,) at No. 14 (Lot 5), Strata Lot No. 1) Bulwer Street (corner Wright Street), Perth, and as shown on plans stamp-dated 19 July 2004, the Council APPLIES the following condition to this proposed development:*
  - (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to Withdraw the Planning and Building Notices issued for the unauthorised roller door at No. 14 (Lot 5, Strata Lot No. 1) Bulwer Street (corner Wright Street), Perth.*

**COUNCIL DECISION ITEM 10.1.21**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

<b>Landowner:</b>	DD & EJ Nair
<b>Applicant:</b>	DD & EJ Nair
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	437 square metres
<b>Access to Right of Way</b>	East side, 3 metres wide, sealed, privately owned

**BACKGROUND:**

- 28 May 2002 Council at its Ordinary Meeting conditionally approved the proposed demolition of an existing unauthorised carport construction and construction of a new carport addition to the existing grouped dwelling.
- 17 September 2003 The owners of the subject property were issued Notices under section 10 of the Town Planning and Development Act and clauses 51 and 53 of the Town's Town Planning Scheme No. 1, and section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960, advising that a roller door has been constructed to an existing carport structure without permission of the Town of Vincent as required, and requiring the unauthorised roller door to be removed.
- 16 October 2003 An appeal was filed to the Town Planning Appeal Tribunal (TPAT) against the Planning Notice issued by the Town.
- 28 November 2003 A directions hearing was held giving order adjourning the appeal to mediation on 15 December 2003.
- 15 December 2003 The Tribunal mediation was held adjourning the matter to a directions hearing on Friday 13 February 2004. At the Tribunal mediation, a Tribunal member suggested that the appellant provide a detailed justification for the subject roller door and that the matter be referred to Council for reconsideration.
- 10 February 2004 Council at its Ordinary Meeting resolved to reiterate that the unauthorised roller doors be removed and to continue legal action if the roller doors were not removed.
- 23 February 2004 TPAT gave a decision that the appeal was properly constituted and that the hearing in relation to the Section 10 noticed be heard on 19 March 2004.
- 19 March 2004 Hearing adjourned to allow appellants to lodge a planning application to the Town for retrospective Planning Approval for the unauthorised roller doors.
- 20 May 2004 TPAT further adjourned appeal on the understanding that the appellant will apply to the Town for retrospective Planning Approval for the unauthorised roller doors. If the Town refused the application, it will be necessary for the appellant to lodge a separate appeal to the TPAT so as to be able to deal with the planning merits of the refusal.
- 16 July 2004 TPAT has advised the Town that it has received correspondence from the appellant advising that a planning application had been submitted to the Town for determination, and on the above basis that the matter was re-listed for directions hearing on 8 October 2004.
- 10 August 2004 The Council, at its Ordinary Meeting, resolved to refuse the application for the roller door addition to carport to existing single house (application for retrospective approval).

- 8 September 2004 The applicant lodged an appeal with the Town Planning Appeal Tribunal (TPAT) against the Council's refusal.
- 26 October 2004 The Town lodged the Respondant Statement with the TPAT.
- 11 November 2004 The Hearing held at the TPAT.
- 6 December 2004 The TPAT's decision to uphold the appeal handed down.

**DETAILS:**

The proposed development approved by the TPAT, is identical to that refused by Council at its Ordinary Meeting on 10 August 2004. A copy of the TPAT's letter and reasons for decision dated 6 December 2004 is an attachment to this report.

The Town is required to formulate a set of conditions that will allow the development to proceed. The conditions to be applied by the Town on the approved development should not result in a significant alteration to the development. If there are any disputes, the matter will be referred to the TPAT for arbitration/ determination.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>		
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Carport Door as per Town's Policy relating to Street Setbacks	Carport means...unenclosed except to the extent that it abuts the existing dwelling and/or a property boundary on one side, and being without a door or panels unless...visually permeable	Solid garage door with 5 small windows
<b>Consultation Submissions</b>		
No advertising was required for this application		
<b>Other Implications</b>		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications - Total planning consultant fees to act behalf of Town	\$2627.40	

\* 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, it is recommended that the Council apply the conditions to the subject development, as detailed in the Officer Recommendation.

It is further recommended that the Council authorises the withdrawal of the Planning and Building Notices issued for the unauthorised roller door at the subject property.

**10.1.23 Western Australian Planning Commission: Draft Operational Policy - Liveable Neighbourhoods - Edition 3**

<b>Ward:</b>	Both Wards	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0066
<b>Attachments</b>	-		
<b>Reporting Officer(s):</b>	K Batina		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report relating to the "Western Australian Planning Commission Draft Operational Policy - Liveable Neighbourhoods - Edition 3", and
- (ii) **ADVISES** the Western Australian Planning Commission that the Council **SUPPORTS IN PRINCIPLE** the content and intent of the "Draft Operational Policy - Liveable Neighbourhoods - Edition 3" dated October 2004, as 'Laid on the Table'

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**COUNCIL DECISION ITEM 10.1.23**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

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**BACKGROUND:**

The Town of Vincent received correspondence and accompanying documentation from the Western Australian Planning Commission (WAPC) in late October seeking comment for the 'Draft Operations Policy relating to Liveable Neighbourhoods'. The closing date for all submissions to be received is 31 December 2004.

The subject documents are '*Laid on the Table*'.

**DETAILS:**

**Background and Policy Framework**

The 'Liveable Neighbourhoods' document was originally released by the WAPC in 1997 (known then as the *Liveable Neighbourhoods Community Design Code*). The draft Liveable Neighbourhoods 3 document is the second review of this original document. The Planning Group was engaged to undertake the review, holding a forum of local authorities, developers, planners and associated professionals earlier this year to ascertain and gain a better insight into the issues of the previous edition of Liveable Neighbourhoods as part of the review process.

The Statement of Planning Policy (SPP) 1 : State Planning Framework Policy and the proposed SPP3 are proposed to provide the specific policy background, objectives and measures for requiring the type of sustainable urban developments that Liveable Neighbourhoods is structured to deliver. It is most likely that the Liveable Neighbourhoods 3 document will ultimately be used as the principal implementation mechanism for structure plans and subdivisions, in response to the proposed Statement Planning Policy 3 (SPP3): Sustainable Settlements and Community.

### **Purpose**

The Liveable Neighbourhood 3 document is a tool for the design and assessment of structure plans (regional, district and local), subdivisions, strata subdivision and development for new urban (predominantly residential) areas within the metropolitan area and country centres, where two or more lots are created on "Greenfield" sites on the urban edge, or on large urban infill sites in developed areas.

Presently, applicants and developers can choose to make an application for a Structure Plan, subdivision or development under the WAPC's Development Control (DC) Policy Manual or under Liveable Neighbourhoods 2. There is no requirement for applicants or developers to submit an application in accordance with any of the provisions of the Liveable Neighbourhoods 2, either in full or in part. However, it is intended that Liveable Neighbourhoods 3 will become an operational policy of the WAPC, and the DC Policies, eventually superseded by this operational document.

### **Structure**

The Liveable Neighbourhoods 3 document is divided into the following eight (8) design elements:

- Element 1 - Community Design
- Element 2 - Movement Network
- Element 3 - Lot Layout
- Element 4 - Public Parkland
- Element 5 - Urban Water Management
- Element 6 - Utilities
- Element 7 - Activity Centres and Employment
- Element 8 - Schools

Liveable Neighbourhoods 2 already comprised the first six elements, which have since been reviewed and modified as part of the Liveable Neighbourhoods 3 document. The two new elements that have been introduced as part of Liveable Neighbourhoods 2 are Elements 7 - Activity Centres and Employment and Element 8 - Schools. The review of the initial six elements and the additional two new elements has been cognisant of the objectives and requirements of the WAPC's draft Network City: Community Planning for Perth and Peel Regions, that is currently being advertised for public comment.

Much like the Residential Design Codes 2002, the structure of each of the elements contained within the Liveable Neighbourhoods 3 document encourages a more performance based assessment of applications. Each element has objectives with requirements that are phrased in two ways: as '*matters that should be considered*', where there are a range of design solutions; and, '*matters that must be satisfied*', where a particular design response is required, unless the requirement allows an exception or variation.

### **Relevance to the Town of Vincent**

The applicability of the Liveable Neighbourhoods 3 document relates more so to the urban fringe areas of the Perth Metropolitan Region and regional centres outside of the Perth Metropolitan area than it does to infill development. This is because the document deals more with significant subdivisions and the creation of new roads. Given the general inner urban character of the Town, the applicability of the objectives and requirements stipulated within the Liveable Neighbourhoods 3 document are quite limited.

It is noted that given the generally high density already within the Town, and the notable absence of large "greenfield" sites within the Town, there have been few, if any, developments within the Town where the developer has chosen to utilise the Liveable Neighbourhoods document over the conventional WAPC DC Policy standards. Therefore, the Town's involvement in 'testing' the standards and outcomes of Liveable Neighbourhoods has been limited.

### **Statutory Implications**

The Liveable Neighbourhood 3 document does not carry with it any statutory status and therefore there is no requirement or obligation for the Town to provide comment. Liveable Neighbourhoods 2 is however, a comprehensive urban design and planning document with sound objectives and the Town is fully supportive of its use. It is considered that the document is generally sound and will provide a consistent basis for planning in the future.

Since Liveable Neighbourhoods 3 is only a design tool at this stage, providing guidelines for improved urban design and development, it has no impact on the Town's existing Policies contained within the Planning and Building Policy Manual. However, should Liveable Neighbourhoods 3 achieve statutory status in the future, local authorities will be required to review their policies and practices to be consistent with the document content. The Town is cognisant of the potential for Liveable Neighbourhoods 3 to gain statutory weight, and therefore will ensure that in preparing and reviewing any Policies relating to residential development, that the principles and objectives of the Liveable Neighbourhoods 3 document are taken into account.

### **CONSULTATION/ADVERTISING:**

Nil.

### **LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies, and Residential Design Codes (R Codes)

### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 - Key Result Area One: Environment and Infrastructure  
1.3 Develop, implement and promote sustain urban design.

The Strategic Plan identifies the need to review urban design policies and guidelines to enhance amenity, accessibility, neighbourhood interaction and aesthetics. While the Liveable Neighbourhoods 3 document is not particularly relevant to development within the Town of Vincent, the concepts are worthy of consideration in decision making for the Town.

### **FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Liveable Neighbourhoods 3 document has its applicability more so within the urban fringe areas and regional areas than it does within the inner urban areas, which the Town of Vincent is comprised. As such, the objectives and the requirements of the Liveable Neighbourhoods 3 document are generally supported by the Town. Overall, Liveable Neighbourhoods 3 is an improvement on the current Liveable Neighbourhoods 2 document by providing a more comprehensive urban design and planning document that better facilitates the sustainability agenda that has been set by the WAPC and the relevant State Government initiatives and Statements of Planning Policies.

**10.1.27 Confidential Report - Roller Door Addition to Carport to Existing Single House (Application for Retrospective Approval)**

<b>Ward:</b>	North	<b>Date:</b>	10 December 2004
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO2291; 00/33/2542
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, for a roller door addition to carport to existing single house (application for retrospective approval).*

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

(Crs Cohen and Doran-Wu on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.27**

*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 ..... on behalf of the owner ..... for Roller Door Addition to Carport to Existing Single House (Application For Retrospective Approval), at ....., North Perth, and as shown on plans stamp-dated 21 October 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

**(NOTE: details of applicant and property to remain confidential for safety and security reasons.)**

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature due to the nature of the applicant’s submission, which involves personal safety and security reasons.

**LEGAL:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

*“2.15 Confidential business*

*(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*

- (i) to be treated as strictly confidential; and*
- (ii) not, without the authority of Council, to be disclosed to any person other than–*
  - (a) the Members; and*
  - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

*prior to the discussion of that matter at a meeting of the council held with open doors.*

*(2) Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*

- (i) then to be treated as strictly confidential; and*
- (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members.

**10.1.28 Confidential Report - Roller Door Addition to Carport to Existing Single House (Application for Retrospective Approval)**

<b>Ward:</b>	North	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO2247; 00/33/2585
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, for a roller door addition to carport to existing single house (application for retrospective approval).*

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

(Crs Cohen and Doran-Wu on approved leave of absence.)

Cr Chester requested that as this Item was moved "en bloc" that it be recorded that he does not support this recommendation.

**COUNCIL DECISION ITEM 10.1.28**

*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 ..... on behalf of the owner ..... for Roller Door Addition to Existing Single House (Application for Retrospective Approval), at No. ...., North Perth, and as shown on plans stamp-dated 24 November 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

(NOTE: details of applicant and property to remain confidential for safety and security reasons.)

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature due to the nature of the applicant's submission, which involves personal safety and security reasons.

**LEGAL:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

*“2.15 Confidential business*

*(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*

- (i) to be treated as strictly confidential; and*
- (ii) not, without the authority of Council, to be disclosed to any person other than–*
  - (a) the Members; and*
  - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

*prior to the discussion of that matter at a meeting of the council held with open doors.*

*(2) Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*

- (i) then to be treated as strictly confidential; and*
- (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members.

**10.2.2 The Association of San Giovanni Battista (Inc.) - Annual Street Procession**

<b>Ward:</b>	North Perth	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	Hyde Park P2, Mt Lawley Centre P11	<b>File Ref:</b>	CVC0006
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	K White		
<b>Checked/Endorsed by:</b>	C Wilson	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **SUPPORTS** the annual Association of San Giovanni Battista street procession, to be held on Sunday, 9 January 2005; and
- (ii) **REQUESTS** the organisers of the procession to ensure that all emergency services, including Main Roads WA Operations Centre, are notified and all relevant approvals have been obtained.

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**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

---

**BACKGROUND:**

The Association of San Giovanni Battista is seeking the Council's approval to conduct its annual street procession on Sunday, 9 January 2004 in honour of its Patron Saint.

**DETAILS:**

The procession will commence at 5.00 pm on Sunday, 9 January 2005 from Sacred Heart Church in Mary Street, Highgate. It will travel, under Police escort, west via Mary Street turning left into William Street. From William Street the procession will turn left into Lincoln Street east bound and left again into Beaufort Street north bound, where it will be confined to a single lane so as not to impede normal traffic. From Beaufort Street the procession turns left into Mary Street with proceedings concluding at Sacred Heart Church.

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2002-2008 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. " *b) Develop and organise community events that engage the community and celebrate the cultural diversity of the Town*".

**COMMENTS:**

The annual street procession of the Association of San Giovanni Battista is a colourful Catholic celebration that draws many people from diverse backgrounds to the Town. In the past, approval has been granted by the Executive Manager Technical Services, dependant upon acceptance by the Association of San Giovanni Battista of various conditions. These conditions pertain to traffic management, safety and police approval.

**10.2.3 Introduction of New 5 Minute Pick Up and Set Down Bay In Stirling Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	29 November 2004
<b>Precinct:</b>	Beaufort P13	<b>File Ref:</b>	PKG0067
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Anne Munyard		
<b>Checked/Endorsed by:</b>	Craig Wilson	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the introduction of a new five (5) minute “pick up or set down only” bay on the west side of Stirling Street, near Bulwer Street, as shown on attached plan 2316-PP-1; and*
- (ii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the amended parking restriction signs.*

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**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

---

**BACKGROUND:**

The Australia Asia Society premises are located on the west side of Stirling Street, near the corner of Bulwer Street. Various activities at the centre are attended by elderly or disabled members of the community, who are transported by minibus. A five (5) minute pick up or set down bay close to the premises will be a valuable amenity for the Society, reducing walking distances considerably.

**DETAILS:**

Kerbside parking is in great demand in Stirling Street and other streets in the vicinity. Currently the Australia Asia Society relies on finding a parking place for their courtesy bus in Greenway Street, or the Brisbane Street car park. This often results in their elderly or disabled passengers having to walk some distance to the building, located near the intersection with Bulwer Street.

The provision of a five (5) minute pick up or set down bay to be located immediately south of the intersection will be of great assistance to the Society, allowing easy and close access for those relying on assistance with transport. At the same time, the bay will be useful to other businesses in the area, particularly those using courier services. The proposed five (5) minute pick up or set down bay is illustrated in attached plan 2316-PP-1.

**CONSULTATION/ADVERTISING:**

The proposed short term parking bay is an improved amenity for all businesses in the vicinity and therefore consultation on this proposal is not necessary.

**LEGAL/POLICY:**

There is no legal impediment to the amendment of the parking restriction.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment “*p) Develop a strategy for parking management in business, residential and mixed use precincts*”.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of installation of restriction signs and road line marking would be approximately \$150.00.

**COMMENTS:**

The Town endeavours to meet the parking requirements of its ratepayers and residents and the introduction of the proposed short term bay will be welcomed at this location. The manager for Law and Order services supports the creation of the five (5) minute parking space.

**10.3.4 Senior Sportsfun Pilot Program**

<b>Ward:</b>	Both	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0099
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	P Flinn		
<b>Checked/Endorsed by:</b>	J Anthony/M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *SUPPORTS the Senior Sportsfun Pilot Program, which will be run in conjunction with the Department of Sport and Recreation and;*
- (ii) *APPROVES a financial contribution of \$500.00, and in-kind support through the provision of training venues.*

**COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

**BACKGROUND:**

Senior Sportsfun is an initiative of the Department of Sport and Recreation and the School Volunteer Program and has been developed from the Sportsfun Program. The Department of Sport and Recreation has chosen the Town of Vincent to be involved in this pilot program due to its strong association with sports and recreation.

Sportsfun is a youth leadership program that develops coaching skills in young leaders who in turn provide fun instruction of modified sports to younger participants (e.g. Years 3 and 4). The program originated in 1987 and continues to be a success with 65 schools currently involved within the state. The Seniors Sportsfun concept proposes to operate on the same premise, with seniors being the identified leaders, receiving the relevant coach education training and delivering instruction of modified sports to primary students within the physical education curriculum.

The main purpose of the program is to encourage young people to reach their full potential, promote the value of seniors in the community and consequently develop a cross generation rapport and respect.

The principles of Sportsfun are applied to volunteer seniors (with physical capabilities) within the Town of Vincent. Coaching skills are developed within senior participants who in turn provide fun instruction of modified sports to younger participants during school hours.

Suitably qualified personnel of the Department of Sport and Recreation, Sports Medicine Australia and relevant sporting bodies are involved in the training of the seniors. The extent of training needs to ensure that it provides the necessary skills and confidence to deliver the instruction of modified sports to younger participants.

It is likely that Year 3's and/or Year 4's will be targeted, given their greater capacity to learn and in general be respectful in contrast to younger or older students.

**DETAILS:**

The key outcomes of this program are:

- Senior participants are provided with the opportunity to be physically active in addition to developing coaching skills.
- Primary School participants have the opportunity to learn and participate in modified physical activity sessions.
- Both seniors and Primary School students have an opportunity to develop a social rapport and respect for each other.

It is recommended that the Town of Vincent support this program through a \$500.00 financial contribution which would go towards the cost of presenter's fees. The Town would also provide in-kind support of a training venue, and staff time.

**CONSULTATION/ADVERTISING:**

Principals at the primary schools within the Town of Vincent will be contacted and each asked to attend an information meeting, where Darren Vonbergheim, consultant for Youth at the Department of Sport and Recreation, will outline the program and gauge interest. If the schools are eager to become involved, seniors within the Town will be contacted through the seniors' mailing list.

**STRATEGIC IMPLICATIONS:**

The involvement from the Town of Vincent in the form of financial and in-kind support for the Senior Sportsfun pilot is in keeping with the Town of Vincent Strategic Plan 2003 - 2008. Key Result Area 2 – Community Development

- “2.1 Celebrate and acknowledge the Town's cultural diversity  
a) *Seek community initiatives and involvement in the development of programs and provide facilities and recreational resources appropriate to the Town's needs.*
- 2.4 Provide a range of community programs  
b) *Continue the implementation of the Seniors Strategy.*
- 2.4 Provide a range of community programs  
c) *Support and implement youth development programs.*
- 2.5 Develop and implement programs for law and order and safety  
e) *Develop partnerships with government agencies, businesses and the community.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The estimated cost of the pilot program is \$2,165.00. This may vary depending on the amount of in-kind support the Department of Sport and Recreation receives. It is recommended that the Town of Vincent contribute \$500.00 towards presenter's fees, and provide in-kind support of a training venue, i.e. one of the hall venues within the Town of Vincent. It is expected that this amount (\$500.00) will come out of the Recreation Programs budget.

**COMMENTS:**

This initiative is a great opportunity to strengthen links with the Department of Sport and Recreation, local primary schools, young people, and seniors within the Town of Vincent. It will allow young children and seniors to become involved in a positive intergenerational program, and it is hoped that it will leave a lasting and positive impression for all those involved.

**10.3.5 Seasons for Growth**

<b>Ward:</b>	Both	<b>Date:</b>	10 December 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0023
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	P Flinn		
<b>Checked/Endorsed by:</b>	J Anthony/M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *SUPPORTS the Seasons for Growth grief and support program run by Aranmore Catholic College; and*
- (ii) *APPROVES a financial contribution of \$200.00.*

**COUNCIL DECISION ITEM 10.3.5**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

**BACKGROUND:**

Aranmore Catholic College are developing a Seasons for Growth program to assist adolescents with loss and grief. Adolescents have strong emotional responses to loss and grief. Aranmore staff have recognised that there is a great need in many of their students, for a support program dealing with this issue. Four staff members have recently been trained to be companions for the Seasons for Growth Program sponsored and produced by the Mary MacKillop Foundation.

Seasons for Growth is based on the belief that change, loss and grief are a normal and valuable part of life. Children and adolescents need the opportunity to examine how issues such as death, separation and divorce have impacted on their lives. Seasons for Growth provides the opportunity for each participant to integrate, at his/her developmental level, the appropriate knowledge, skills and attitudes to understand and to cope with change, loss and grief. This takes place in an atmosphere of like-to-like peer support.

Seasons for Growth offers a range of activities that enable participants to

- Explore the knowledge and skills required to understand and work with loss and grief in their lives.
- Understand that it is normal to experience and express a range of emotions connected to loss and grief.
- Revise their previous assumptions about key areas of their lives and plan for a more realistic and hope-filled future.
- Develop a more integrated self-concept and healthier self-esteem.

- Participate in a supportive network of caring peers and adults.
- Build effective relationships with their families, peers and teachers in ways that respect their integrity and are culturally sensitive.

**DETAILS:**

Aranmore would like to pilot a ten week program in term two which would include 3 groups of 8 students across years 8-12. This would continue in term three with another 24 students. Aranmore Catholic College would like the Town of Vincent to support this initiative through the provision of funds towards participant journals. It is suggested that Council sponsor 10 participants, who are Town of Vincent residents. Council will pay for their participant journals – 10 journals at \$20 each.

**CONSULTATION/ADVERTISING:**

Aranmore Catholic College staff will organise all aspects of this program. They will be required to supply the Youth Officer with an acquittal of the funds received, in order to confirm that the students who have been sponsored are Town of Vincent residents. They will also acknowledge the Town of Vincent support in their school newsletter, and any other relevant correspondence.

**STRATEGIC IMPLICATIONS:**

The involvement from the Town of Vincent in the form of financial support for Aranmore Catholic College's Seasons for Growth program is in keeping with the Town of Vincent Strategic Plan 2003 - 2008. Key Result Area 2 – Community Development

“2.4 Provide a range of community programs.

*c) Support and implement youth development programs.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Ten Town of Vincent residents would be sponsored. The Town will pay for 10 participant journals at \$20.00 each. A total of \$200.00 would be taken from Promotion of Youth Services account – 52330.5187.52.

**COMMENTS:**

This initiative is a great opportunity to strengthen links with Aranmore Catholic College. Seasons for Growth is a valuable program, which will provide comfort and reassurance to young Vincent residents in need of support. It is hoped that it will leave a lasting and positive impression for all those involved.

**10.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
3/12/04	Car Parking Licence	4	Town of Vincent and Minister for Education c/o 151 Royal Street, East Perth 6004 re: Parking Bays at the Schools of Isolated and Distance Education, Leederville
7/12/04	Withdrawal of Caveat	2	Town of Vincent and Minter Ellison, c/o Level 49, Central Park, 152-158 St Georges Terrace, Perth re: Nos 5-7 (Lots 45 and 54) Bulwer Avenue, Perth
7/12/04	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Total Event Management, c/o Total House, cnr Belmont Avenue & Fulham Street, Belmont re: Catering for Australian Malaysian Business Council AGM and use of Gareth Naven Room.

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
14/12/04	Assignment of Lease	3	Town of Vincent and Headquarters Youth Recreation, Cultural and Arts Association (Inc) of 60 Frame Court, Leederville 6007 and Young Men's Christian Association of Perth (Inc) of 201 Star Street, Carlisle 6101 re: HQ Framecourt, Leederville

**10.4.4 Adoption of Human Resources Policy Manual**

<b>Ward:</b>	-	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0023
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) RESCINDS it current policies 4.3.1 - 4.3.17 inclusive, relating to Human Resources;*
- (ii) ADOPTS a new Human Resources Policy Manual as "Laid on the Table"; and*
- (iii) NOT advertise the Human Resource Policy Manual for community consultation, as these policies relate to the Town's employees only and do not have any impact on the community.*

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**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

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**BACKGROUND:**

The Council's Policy Manual contains various policies which provide guidance to the Town's administration and employees in the day to day management issues and decision making.

The Council's policies relating to Human Resources have been periodically reviewed and contain seventeen policies of a varying nature. The Town's Industrial Services provider - Workplace Solutions as part of its service, has provided a comprehensive and inclusive Model Human Resources Manual. These policies have been legally vetted and provide uniformity throughout local government.

The Town has adopted the Workplace Solutions Model Human Resources Manual and these have been amended to reflect the Town's circumstances.

The following new policies have been included:

SECTION 5.1 - SALARIES AND CLASSIFICATIONS		
	5.1.1	Position Analysis, Descriptions and Salary Determination
SECTION 5.2 - RECRUITMENT, SELECTION AND INDUCTION		
	5.2.1	Recruitment and Selection
	5.2.2	Probationary Employment Guidelines
	5.2.3	Employment of Children and Guidelines
SECTION 5.3 - CONTRACTS AND CONDITIONS		
	5.3.1	Contracts of Employment and Guidelines
SECTION 5.4 - TRAINING AND DEVELOPMENT		
	5.4.1	Career Development and Guidelines
	5.4.2	Performance and Development and Guidelines
	5.4.3	Multi-Skilling and Guidelines
	5.4.4	Training and Development
SECTION 5.5 - EMPLOYEE RELATIONS		
	5.5.1	Violence, Harassment and Bullying
	5.5.2	Equal Employment Opportunity
	5.5.3	Grievance Resolution Procedure and Guidelines
	5.5.4	Separation of Employment and Guidelines
SECTION 5.6 - OCCUPATIONAL HEALTH AND SAFETY		
	5.6.1	Occupational Health and Safety and Guidelines
	5.6.2	Occupational Health and Safety Committee and Guidelines
	5.6.3	Occupational Health and Safety Representatives and Guidelines
	5.6.4	Occupational Health and Safety Reporting and Guidelines
	5.6.5	Duty of Care to Visitors and Contractors and Guidelines
	5.6.6	Driving Procedures and Long Distance Travel and Guidelines
	5.6.7	Emergency Evacuation and Guidelines
	5.6.8	First Aid and Guidelines
	5.6.9	Immunisation and Guidelines
	5.6.10	Injury Management and Rehabilitation and Guidelines
	5.6.11	Manual Handling and Guidelines
	5.6.12	Mosquito Borne Diseases and Guidelines
	5.6.13	Office Ergonomics
	5.6.14	Outdoor Work Protection
	5.6.15	Safety Induction Procedure
	5.6.16	Workplace Drug and Alcohol Use
	5.6.17	Evaluation and Management of Employee Workload
	5.6.18	Employee Uniforms and Protective Clothing and Footwear
SECTION 5.7 - EMPLOYEE LEAVE		
	5.7.1	Defence Reservist Leave
	5.7.2	Emergency Service Leave
	5.7.3	Family, Religious or Cultural Leave
	5.7.4	Leave Management - Annual and Long Service Leave

	5.7.5	Leave without Pay
	5.7.6	Sick Leave
	5.7.7	Parental Leave
	5.7.8	Transfer of Leave Entitlements between Local Governments
	5.7.9	Witness and Jury Service
	5.7.10	Retirement of Employees - Presentations
	5.7.11	Gratuity Payments/Payments to Employees in Addition to Contract or Award on Cessation of Employment

**CONSULTATION/ADVERTISING:**

The Council has a policy of advertising for a period of 21 days seeking comments from the public. However, as the proposed policies relate to the Town's employees only and do not impact on the community, it is recommended that the policies not be advertised for community consultation. This will also provide costs savings to the Town.

**LEGAL/POLICY:**

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters. The Independent Organisational Review identified the need for the Town's Policy Manual to be reviewed (Recommendation Number 11).

The adoption of a standardised policy manual has many benefits to the Town and its employees. The adoption of this manual will result in considerable savings to the Town.

**STRATEGIC IMPLICATIONS:**

The use of policies in keeping with the Town's Strategic Plan 2003-2008 - Key Result Area Four - Governance and Management "*4.2(b) Review policies on governance and management*"

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The adoption of the proposed policies is considered "*best practice*" as it provides for accountability and uniformity in decisions which affect the Town's employees.

A copy of the proposed Policy Manual is "*Laid on the Table*" and in view of its size, has not been reproduced and included in the Agenda.

**10.4.6 Tender for the Catering Rights for Leederville Oval, 246 Vincent Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	TEN0313
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ACCEPTS the tenders submitted by Klemap Pty Ltd trading as Spices Catering as being the most acceptable tender to provide catering services to the Town of Vincent for Leederville Oval for a period of five (5) years with an option of five (5) years (subject to satisfactory performance) as detailed in their tender documents dated 30 November 2004; and*
- (ii) *AUTHORISES the Chief Executive Officer to prepare a lease document between the Town and Klemap Pty Ltd trading as Spices Catering for the Leederville Oval Common Room, and for this lease to run concurrent with the Catering Agreement on the Terms and Conditions as detailed in their tender document dated 30 November 2004.*

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**COUNCIL DECISION ITEM 10.4.6**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 October 2004, the Council resolved as follows:

*That the Council;*

- (i) *APPROVES of Naming Rights to be allocated Leederville Oval, 246 Vincent Street, Leederville;*
- (ii) *AUTHORISES the Chief Executive Officer to prepare documents and advertise the tender for the Naming Rights and Catering Rights of Leederville Oval, 246 Vincent Street, Leederville;*
- (iii) *ADVISES East Perth and Subiaco Football Clubs of (i) and (ii) above; and*
- (iv) *NOTES that a further report will be submitted to the Council for approval of the tenders.*

### **Catering Rights**

The proposed lease for Leederville Oval will give both Clubs exclusive use over their clubrooms, offices and changerooms. The Oval, public open space (POS), carpark and other parts of the facility, such as grandstand, function rooms and toilets will remain under the control of the Town. A Ground Management Committee, chaired by the Town's CEO and comprising of the General Managers of EPFC and SFC will be formed to deal with the day-to-day matters arising from the operations of Leederville Oval.

A caterer will be required to supply food and beverage to Leederville Oval, predominantly the Western Australia Football League (WAFL) games, club events (if required by the Clubs) and also any other events approved by the Town.

It is proposed that the caterer will be allocated a lease over the common area, which comprises of two function rooms, with a capacity of 180 people for the VIP room and 150 people for the main function room. These two function rooms are separated by a bi-fold door and can be opened into one large room.

The caterer will be required to;

1. provide catering to Leederville Oval;
2. provide catering for other events;
3. maintain and be responsible for outgoings of the common area;
4. fit out the kitchen facilities for the common area;
5. obtain their own liquor licence for the common area; and
6. provide catering to the Clubs for club events (if requested by the Clubs);

In addition to the above, the caterer will be able to utilise the common area facilities for private functions and to be used as a base for their catering business.

### **DETAILS:**

The Town called tenders on 6 and 8 November 2004 on a State-wide basis for the provision of catering services for a period of five (5) years with the option to extend for a further five (5) year period subject to satisfactory performance reviews.

### **TENDERS RECEIVED:**

Documentation was requested by approximately eight (8) persons and at the close of the tender period (30 November 2004), two (2) tenders were received as follows:

<i><b>NUMBER</b></i>	<i><b>COMPANY</b></i>
1	Lambeg Pty Ltd trading as Embassy Caterers PO Box 2141 WARWICK WA 6024
2	Klemap Pty Ltd trading as Spices Caterers PO Box 6088 EAST PERTH WA 6892

**TENDER EVALUATION:**

The following weighted criteria was used for the selection of the tenderer for the catering services.

Criteria	%	Weighting
<p><b>1.1 Financial Offer/Fee Proposal</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)</li> <li>• Tenderer's offer of an annual fee for each of the five (5) years of the term of the contract</li> <li>• Tenderer's offer of their contribution to the initial fit-out of food areas</li> <li>• Tenderer's offer of their contribution to annual fit-out or maintenance and replacement of "FF&amp;E"</li> <li>• Demonstrate your payment schedules (dates and amounts)</li> <li>• "Best Value" for the Town</li> <li>• Specify your preferred proposed contract term(s)</li> </ul>	60	<b>60%</b>
<p><b>1.2 Relevant experience and expertise in venue catering</b></p> <ul style="list-style-type: none"> <li>• Demonstrated experience and expertise in venue catering</li> <li>• Capacity to address the range of technical aspects involved in the project</li> <li>• Role of the key person(s) in the project and credentials (i.e. formal qualifications and experience) of key person(s)</li> <li>• Demonstrate your understanding of the required service by identifying the key issues associated with delivering the project and explain how you intend to address these issues</li> <li>• Understanding of and compliance with, the objectives and requirements of Leederville Oval</li> <li>• The Tenderers experience in the competent management of similar facilities</li> <li>• The Tenderers ability to provide an organisation and management structure consistent with implementing and managing the required tasks to the required standard</li> <li>• The ongoing availability of the Tenderer of sufficient skilled resources capable of performing the tasks consistent with the required standards</li> <li>• The Tenderers ability to maintain a good industrial relations environment</li> <li>• The demonstration of an ability to initiate improvements in service delivery</li> <li>• Any comments received from referees</li> <li>• The Tenderer's ability to implement and comply with a detailed performance measurement system</li> <li>• The demonstration of an innovative approach</li> </ul>	30	<b>30%</b>

1.3	<b>Financial History and Viability of Organisation</b>		
	<ul style="list-style-type: none"> <li>• Financial history and viability of the organisation</li> <li>• Demonstrate your financial capacity to deliver</li> </ul>	10	<b>10%</b>
	<b>TOTAL</b>	100	<b>100%</b>

### Evaluation Panel

The Evaluation Panel consisted of Chief Executive Officer, John Giorgi and Executive Manager Corporate Services, Mike Rootsey. An interview was held on 9 December 2004.

### TENDER EVALUATION SUMMARY:

The following weighted criteria was used for the selection of the tenderer. All submissions were assessed by the Evaluation Panel and the following is a summary:

### Summary of Financial Offer:

Item	Spices Catering	Embassy Catering
7.1 Maintenance of leased area	Caterer's responsibility	\$1,000
7.2 Maintenance of premises (outside leased area)	By others	Nil
7.3 Maintenance of plant, equipment, fitting and fixtures	Minimum of \$1,500 per annum or 1.5% of gross turnover (GTO), whichever is greater	\$1,500
7.4 All rates and taxes - including land tax	N/A	N/A
7.5 Lease costs	Lease cost expenditure is included in payment to the Town - 7.11	\$1,000 (equipment)
7.6 Telephone costs	Spices cost	\$2,500 per annum
7.7 Western Power costs	Minimum \$1,250 or 1.25% of gross turnover, whichever is greater or as metered	\$2,000
7.8 Water Corporation costs	As metered	Nil.
7.9 Alinta Gas costs	As metered	\$2,000 (mainly LPG bottles)
7.10 Sinking fund contribution	Minimum \$1,250 per annum or 1.25% of gross turnover whichever is greater	Nil.
7.11 Payment to the Town	Minimum payment of \$10,000 per annum or 10% of GTO for all events/functions (including East Perth and Subiaco games) whichever is greater.  <b>A once off \$10,000 payment will be made to the Town within 10 days of acceptance of the tender. Will pay the \$5,000 bond.</b>	\$8,000 fixed Payment of bond not specified
7.12 Building insurance recoup to the Town of Vincent	Pro-rata to a maximum of \$500	Nil.
7.13 Purchase of equipment	Caterer to supply own equipment	Nil - Caterer to supply own

Item	Spices Catering	Embassy Catering
7.14 Traffic management inside and outside of the venue	Caterer's traffic is caterer's responsibility	Nil.
7.15 Security (including event day personnel)	Security system to be installed at Caterer's cost, Event Day security is responsibility of event promoter	Nil. Will install an alarm in common room.
7.16 Rubbish disposal	Kitchen rubbish only is at Caterer's cost	Nil.
7.17 Cleaning	Caterer's responsibility to front counter of bars and kitchens	\$1,000 (mainly laundry and linen)
7.18 Other expenditure	If required by caterer at Caterer's cost	Nil.
Rent reviews	Monthly	To be renegotiated after 5 years.

**Organisational Profiles:**

- Lambeg Pty Ltd

Lambeg Pty Ltd is a company trading in its own right. The company was incorporated in April 1976. The company's initial investment was as operator of the Embassy Ballroom in William Street, Perth until the eventual demolition of the building in which it was located. Over the company's 27 year life major contracts included Subiaco Oval and several other WAFU league grounds, the WACA Ground (part), Ascot and Belmont Park Racecourses, Perth Oval for both Perth Glory and East Perth Football Club, several sites at the Perth Royal Show along with other special event catering (eg Big Day Out).

- Spices Catering

The Spices Group is the largest Western Australian owned and managed, venue and special events hospitality company.

Spices Catering are unique in the catering industry given that they specialise in major venue, function and special event management and catering and have been doing so for the past twenty six years.

Industry level success was achieved with multiple nominations from 1996-2003 and again in 2004 when Spices Catering was nominated as a finalist with 7 nominations (equalling the most bestowed on any one caterer or restaurant, first held by Spices Catering in 2002). Spices Catering received the R&CIA Award of Excellence as the state winner of the "2003 Event Caterer of the Year" and was National Finalist for the "Corporate Caterer of the Year".

In the past 12 months the Spices Group has provided food and beverage to a number of major organisations throughout Perth, some include:

	Crowd Capacity
• Royal Freshwater Bay Yacht Club	700
• Western Australian Trotting Association - Gloucester Park	25,000
• Royal Agricultural Society of WA - Royal Showgrounds	90,000
• WA Sporting Car Club - Barbagallo Raceway	25,000
• Kwinana Motorplex	30,000

	<b>Crowd Capacity</b>
• Burswood on Swan Reception Centre	1,000
• Metropolitan Cemeteries Board - Karrakatta, Femantle and Pinaroo	400

The following table provides details on the scope of services provided by the Spices Catering Group:

	<b>Functions</b>	<b>Customers</b>
Gloucester Park	414	400,000
Royal Freshwater Bay Yacht Club	540	290,000
Snax - Special Events	48	430,000
Joondalup Civic Function Centre	165	35,000
Royal Showgrounds	196	887,000
Metropolitan Cemeteries Board	504	30,000
Special Events	26	480,000
Burswood on Swan	200	35,000
<b>Total</b>	<b>2,103</b>	<b>2,588,000</b>
<b>Per Day Every Day</b>	<b>6</b>	<b>7,090</b>

Spices Catering Group employs 24 fulltime staff members and 1,400 casual staff.

The Group was awarded the exclusive catering management agreement to the Perth Concert Hall and His Majesty's Theatre.

The Spices Group's sales and marketing team maintains a database of over 10,000 clients and a client list of over 3,000 companies and organisations that use Spices Catering as their preferred catering company.

*Insurance*

Public and Product Liability	\$20 million
Workers Compensation Insurance	Meets all requirements of the current legislation
Motor Vehicle Insurance	All vehicles are covered by a comprehensive policy, including third party liability
Specific Situation Policies	Currently effects specific situation policies for risks as required, these may include: <ul style="list-style-type: none"> <li>• Fire and Specified Perils</li> <li>• Burglary - for the protection of property</li> <li>• Business Interruption - for the protection of ongoing income</li> <li>• Glass - for the protection of the Landlord's in situ glass</li> </ul>

*Total Period of Tenure*

<b>Venue</b>	<b>Period of Tenure</b>
Gloucester Park	17
Royal Freshwater Bay Yacht Club Clubrooms	7
Royal Showgrounds	9
Wanneroo Raceway	31
Kwinana Motorplex	4
Burswood on Swan Reception Centre	3
South Fremantle Football Club	14
East Fremantle Football Club	22

Venue	Period of Tenure
Swan Districts Football Club	11
Perth Football Club	8
Karrakatta, Fremantle and Pinnaroo Café	2
Melville Glades Golf Club	2

### EVALUATION MATRIX

Criteria	Weighting %	Embassy Caterers	Spices
<p><b>1.1 Financial Offer/Fee Proposal</b></p> <ul style="list-style-type: none"> <li>This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)</li> <li>Tenderer's offer of an annual fee for each of the five (5) years of the term of the contract</li> <li>Tenderer's offer of their contribution to the initial fit-out of food areas</li> <li>Tenderer's offer of their contribution to annual fit-out or maintenance and replacement of "FF&amp;E"</li> <li>Demonstrate your payment schedules (dates and amounts)</li> <li>"Best Value" for the Town</li> <li>Specify your preferred proposed contract term(s)</li> </ul>	<b>60%</b>	<b>50</b>	<b>60</b>
<p><b>1.2 Relevant experience and expertise in venue catering</b></p> <ul style="list-style-type: none"> <li>Demonstrated experience and expertise in venue catering</li> <li>Capacity to address the range of technical aspects involved in the project</li> <li>Role of the key person(s) in the project and credentials (i.e. formal qualifications and experience) of key person(s)</li> <li>Demonstrate your understanding of the required service by identifying the key issues associated with delivering the project and explain how you intend to address these issues</li> <li>Understanding of and compliance with, the objectives and requirements of Leederville Oval</li> <li>The Tenderers experience in the competent management of similar facilities</li> <li>The Tenderers ability to provide an organisation and management structure consistent with implementing and managing the required tasks to the required standard</li> <li>The ongoing availability of the Tenderer of sufficient skilled resources capable of performing the tasks consistent with the required standards</li> <li>The Tenderers ability to maintain a good industrial relations environment</li> </ul>	<b>30%</b>	<b>20</b>	<b>28</b>

Criteria	Weighting %	Embassy Caterers	Spices
<ul style="list-style-type: none"> <li>• The demonstration of an ability to initiate improvements in service delivery</li> <li>• Any comments received from referees</li> <li>• The Tenderer's ability to implement and comply with a detailed performance measurement system</li> <li>• The demonstration of an innovative approach</li> </ul>			
<b>1.3 Financial History and Viability of Organisation</b> <ul style="list-style-type: none"> <li>• Financial history and viability of the organisation</li> <li>• Demonstrate your financial capacity to deliver</li> </ul>	<b>10%</b>	<b>10</b>	<b>10</b>
	<b>100%</b>	<b>80</b>	<b>98</b>

Lambeg Pty Ltd stated in their tender that it is "non-conforming" as they do not propose to pay outgoings as specified in the tender document. Furthermore, their tender did not contain all the necessary requested information. Lambeg Pty Ltd stated the following:

*"The onerous level of information required to be lodged with the tender mean that the cost of preparation of conforming tender documents would be excessive when compared to the likely financial outcome from the contract".*

Therefore, this tender cannot be further considered.

**CONSULTATION/ADVERTISING:**

The tender was advertised in the West Australian Newspaper on 6 and 8 November 2004 with submissions closing on 30 November 2004.

**FINANCIAL/BUDGET IMPLICATIONS:**

The expenditure required by the Town will be as follows;

Capital Works and Maintenance Program	\$30,000
Contribution to Ground Maintenance	\$15,000
	-----
<b>Total</b>	<b>\$45,000 per annum</b>
	=====

Anticipated income will be as follows;

Rent (both Clubs)	\$10,400 per annum
Catering Rights Tender	\$10,000 per annum*
Naming Rights Tender	\$***** per annum#
Other Events (e.g. WAFL Finals)	\$***** per annum
	-----
<b>Total</b>	<b>\$***** per annum</b>
	=====

\* *or 10% of gross turnover - this will ensure that the Town's income will increase over the term of the lease.*

# *Investigations have revealed that Naming Rights will achieve an income of \$\*\*\*\*\* per annum - this is to be split one third each for EPFC, SFC and the Town*

**LEGAL/POLICY IMPLICATIONS:**

A legal agreement will be required to be drafted for the catering and naming rights. The Local Government Act tender requirements will need to be followed.

Following the advertising of the tenders, a further report will be submitted for the Council's consideration and approval.

**STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area - Economic Development - 3.2 (a) - *"Review leases and commercial contracts to ensure the best return for the Town"* and (e) *"Maintain separate costs centres for Perth and Leederville Oval and other business units."*

**COMMENT:**

The awarding of Catering Rights for Leederville Oval will provide income to offset costs required to maintain Leederville Oval as a "Football Centre of Excellence". Accordingly, it is recommended that the Council approves of the catering services tender to Spices Catering.

**10.4.7 Tender for the Naming Rights for Leederville Oval, 246 Vincent Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	TEN0312
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that no tenders were received by the due date for the sale of Naming Rights for Leederville Oval; and*
- (ii) *AUTHORISES the Chief Executive Officer to directly contact suitable companies and/or engage the services of a marketing company to pursue the sale of Naming Rights.*

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**COUNCIL DECISION ITEM 10.4.7**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

---

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 October 2004, the Council resolved as follows:

*"That the Council;*

- (i) *APPROVES of Naming Rights to be allocated Leederville Oval, 246 Vincent Street, Leederville;*
- (ii) *AUTHORISES the Chief Executive Officer to prepare documents and advertise the tender for the Naming Rights and Catering Rights of Leederville Oval, 246 Vincent Street, Leederville;*
- (iii) *ADVISES East Perth and Subiaco Football Clubs of (i) and (ii) above; and*
- (iv) *NOTES that a further report will be submitted to the Council for approval of the tenders."*

In accordance with the Council decision tender documents were prepared in liaison with East Perth and Subiaco Football Club and these were advertised on a State-wide basis on 6 and 8 November 2004. Tenders closed on 30 November 2004. No tenders were submitted.

**Naming Rights**

The sale of Naming Rights for Leederville Oval will encompass the following;

1. the right to name Leederville Oval;
2. the right to place signage on Leederville Oval buildings and gates and also other locations (subject to Council approval);
3. responsibility for the provision and maintenance of all signage;
4. the rights and entitlements to a 10-person corporate open box for each WAFL game and other event held at Leederville Oval;
5. three complementary carparking bays at Leederville Oval for events;
6. complementary use of the function rooms at Leederville Oval grandstand for promotions (subject to availability);
7. logo recognition - all advertising and promotion to include the naming rights logo;
8. promotions - to be entitled to distribute flyers at WAFL games and events to promote the proposed tenderer's products and services;
9. promotional services using EPFC and SFC players (subject to Clubs' prior approval); and
10. use of the tenderer's names during announcements , for pre and post game events and in media releases.

In order to implement the rights for the 2005 season, it is proposed to actually pursue direct contact with interested persons. The engagement of a marketing company which specialises in the sale of sponsorship and naming rights is also recommended. These companies do not normally charge for their services, however, upon sale of the naming rights charge a percentage fee.

**FINANCIAL/BUDGET IMPLICATIONS:**

The expenditure required by the Town will be as follows;

Capital Works and Maintenance Program	\$30,000
Contribution to Ground Maintenance	\$15,000
	-----
<b>Total</b>	<b>\$45,000 per annum</b>
	=====

Anticipated income will be as follows;

Rent (both Clubs)	\$10,400 per annum
Catering Rights Tender	\$***** per annum*
Naming Rights Tender	\$***** per annum#
Other Events (e.g. WAFL Finals)	\$***** per annum
	-----
<b>Total</b>	<b>\$***** per annum</b>
	=====

\* *Investigations have revealed that the Catering Rights Tender will achieve an income of not less than \$\*\*\*\*\* per annum, increased by CPI.*

# *Investigations have revealed that Naming Rights will achieve an income of \$\*\*\*\*\* per annum - this is to be split one third each for EPFC, SFC and the Town*

\*\*\*\* = Confidential (Circulated separately to Elected Members).

It should be noted that naming rights for Bassendean Oval have been sold for \$50,000 per year for the next three years (Blue Steel Oval) and naming rights for Perth Oval have been sold for \$50,000 per year for the next three years (F-Tel) - on this basis, Leederville Oval with two clubs and better facilities should be able to achieve a higher income.

**LEGAL/POLICY IMPLICATIONS:**

A legal agreement will be required to be drafted for the naming rights. The Local Government Act tender requirements will need to be followed.

As no tenders were received, the Town can pursue the direct approach to various companies. A further report will be submitted for the Council's consideration and approval.

The proposed draft lease between the Town and EPFC and SFC allows for the sale of naming rights for Leederville Oval.

**ADVERTISING/COMMUNITY CONSULTATION:**

N/A.

**STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area - Economic Development - 3.2 (a) - *"Review leases and commercial contracts to ensure the best return for the Town"* and (e) *"Maintain separate costs centres for Perth and Leederville Oval and other business units."*

**COMMENT:**

The sale of Naming Rights for Leederville Oval will provide income to offset costs required to maintain Leederville Oval as a "Football Centre of Excellence". Accordingly, it is recommended that the Council approves of the recommendation.

**10.4.13 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	15 December 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 21 December 2004 as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.13**

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence.)**

**DETAILS:**

The items included in the Information Bulletin dated 21 December 2004 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Heritage Council of Western Australia – North Perth Primary School, Albert Street, North Perth to be included on the Register of Heritage Places
IB02	Letter from Public Transport Authority - New School Bus Stops (First Term 2005)
IB03	Report on the Mayor's and Chief Executive Officer's Attendance at the LeisureCo Client Forum
IB04	Forum Notes - 30 November 2004
IB05	Letter from Department of Local Government and Regional Development relating to Local Government Amendment Bill 3: Summary of Provisions

**10.4.14 Confidential Report: No. 5-9 (Lot 40) Britannia Road, Mount Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	Mt Hawthorn; P1	<b>File Ref:</b>	PRO0791
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to No. 5-9 (Lot 40) Britannia Road, Mount Hawthorn.*

**Moved Cr Ker, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

(Crs Cohen and Doran-Wu on approved leave of absence.)

**COUNCIL DECISION ITEM 10.4.14**

*That the Council;*

- (i) RECEIVES the report relating to No. 5-9 (Lot 40) Britannia Road, Mount Hawthorn;*
- (ii) AUTHORIZES the Chief Executive Officer (in liaison with the Mayor) to enter into discussions concerning the future of the subject property, subject to a further report being submitted to the Council.*

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains legal and "commercially sensitive" information.

**LEGAL:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

*"2.15 Confidential business*

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
  - (i) to be treated as strictly confidential; and*
  - (ii) not, without the authority of Council, to be disclosed to any person other than–*
    - (a) the Members; and*

(b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

*prior to the discussion of that matter at a meeting of the council held with open doors.*

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
  - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**10.1.2 Further Report- No. 28 (Lot 56) Monger Street, Perth - Proposed Demolition of Existing Single House and Outbuildings and Construction of a Two- Three-Storey Mixed Use Development Comprising Offices and Three (3) Multiple Dwellings (Including Lofts) and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO2547; 00/33/2519
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Tangelo Design Consultants on behalf of the owner Knutsford on Blake Pty Ltd for proposed Demolition of Existing Single House and Outbuildings and Construction of a Two- Three-Storey Mixed Use Development Comprising Offices and Three (3) Multiple Dwellings (Including Lofts) and Associated Car Parking at No. 28 (Lot 56) Monger Street, Perth, and as shown on plans stamp-dated 11 October 2004(overshadowing and existing dwelling site and floor plans), 6 December 2004 (adjoining buildings outline, and floor plans) and 13 December 2004 (elevations) subject to:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) prior to the issue of a Demolition Licence, plans shall be submitted and approved demonstrating the provision of a plaque or interpretive piece of artwork visible to the public domain that recognises the historic value associated with the site. The approved plaque or interpretive piece of artwork shall be installed prior to the first occupation of any future redevelopment of the property and maintained thereafter by the owner(s)/occupier(s),*
- (iv) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (v) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$5,500) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (vi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vii) *subject to first obtaining the consent of the owners of No. 32 and Nos. 22-24 Monger Street and Nos. 17-39 Robinson Avenue for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 32 and Nos. 22-24 Monger Street and Nos. 17-39 Robinson Avenue in a good and clean condition;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*  
  
*"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (x) *doors and windows and adjacent floor areas fronting Monger Street shall maintain an active and interactive relationship with these street;*
- (xi) *prior to the first occupation of the development, three (3) car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xii) *the maximum gross floor area for the office use shall be limited to 105.8 square metres unless adequate car parking is provided for the changes in floor space area;*
- (xiii) *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;*
- (xiv) *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;*
- (xv) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*

- (xvi) *the proposed vehicular entry gates adjacent to Monger Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the Development;*
- (xvii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Monger Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xviii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Monger Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the provision of at least 6 car bays on-site; and*
  - (b) *the breeze blocks privacy screening being permanent obscure material and non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed.*

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

*to the satisfaction of the Chief Executive Officer.*

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#### **COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

Cr Torre departed the Chamber at 8.00pm.

Cr Torre returned to the Chamber at 8.01pm.

**LOST (0-7)**

(Crs Cohen and Doran-Wu on approved leave of absence.)

**Reasons:**

1. The application is not in keeping with the Residential Design Codes and the orderly and proper planning and preservation of the amenities of the locality.
2. Concerns raised by the Community.
3. Not in keeping with the streetscape and street setback policies.
4. Non-compliances as listed in the table and specifically the inability to provide sufficient parking.
5. Other reasons given for previous refusal.

### **FURTHER REPORT:**

The subject application was deferred from the Ordinary Meeting of Council held on 7 December 2004 at the request of the applicant.

The application has since been further assessed subsequent to a meeting held between the Town's Officer's and the applicants and the revised submission as an outcome of the meeting. The following is a summary of the revised submission (as '*Laid on the Table*') and changes made to the assessment.

#### **Plot Ratio**

The revised plans indicates a reconfiguration of the storage area on the first/ground floor plan, which opens the roof terrace and allows this area to be excluded from plot ratio. Therefore, the proposed plot ratio is 0.91 in lieu of the previous plot ratio of 1.0. While the previous report stated that the permitted maximum plot ratio was 0.75, upon further consideration of the Town's Policy relating to the Beaufort Precinct, it is considered that it can be argued that this standard is only applicable to residential development under the Residential/Commercial zone, and not necessarily for mixed use developments. As the Beaufort Precinct Policy is silent on plot ratio requirements for mix-use developments, it is considered appropriate that the plot ratio for multiple dwellings be used, as per the R80 standards of the Residential Design Codes (R- Codes). Accordingly, the proposed plot ratio is compliant with the requirement of 1.0.

#### **Setbacks and Boundary Walls**

While it is noted that the Town's Policy relating to the Beaufort Precinct stipulates that setbacks for developments in the Residential/Commercial area shall be in accordance with the Town's Policy relating to Non-Residential Development Uses in/or adjacent to Residential Areas, the current R-Codes which were gazetted in 2002 (after the Town's Policies promulgation in March 2001) provided provisions for mixed- use developments. It is considered that these provisions, which allow boundary walls on the boundary for two-thirds of the boundary behind the street setback up to 6.0 metres, to one boundary supersedes the Town's Policy with regards to setbacks. Given this, and that the boundary walls are not greater than 6.0 metres from natural ground level, the boundary walls comply with R-Codes requirements in terms of height and length. In this instance, the proposed two boundary walls in lieu of one boundary wall are considered supportable on the basis of the staggering of setbacks and the height and length of the walls (western boundary wall has an average height of 3.3 metres and a maximum height of 3.5 metres, for 40.4 per cent of boundary and eastern boundary wall has an average height of 4.15 metres and a maximum height of 5.5 metres, for 57.4 per cent of boundary).

#### **Car Parking**

The R-Codes require two car bays per dwelling (therefore a total of 6 car bays), however the reduction of one car bay per dwelling, where on-site parking is available from the commercial uses on site. However, as there are only 2 bays allocated for the commercial component of the proposal, which can be deducted from the car parking requirement, there is a shortfall of 1 car bay. This shortfall is not supported and the provision of an extra car bay has been conditioned in the Officer Recommendation.

#### **Height**

The applicant's justification for the height variation is supported on the basis that the each floor have been kept to the minimum height and that the Building Codes of Australia (BCA) requirements relating to car bays, access and ramps has resulted in the development's ability to comply with height requirements unfeasible.

The assessment table is therefore amended as follows:

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	R 80- 3 Multiple dwellings	R 68.5- 3 Multiple dwellings	Supported- no variation.
Plot Ratio	1.0- 438 square metres	0.91- 399.4 square metres	Supported- no variation (plot ratio does not include roof terraces on loft floor of Units 2 and 3, loft/first floor of Unit 1, and first/ground floor of Units 2 and 3 as they are open on two sides, apart from screening).
Building Height	6 metres	6.3 metres	Supported- refer to comments.
Buildings on Boundary.	One boundary wall is permitted with a maximum height of 6.0 metres, for 66.6% length of boundary.	Two boundary walls.	Supported- refer to comments.
Car Parking	8 bays (6 car bays for residential component, R-Codes permits reduction to one car bay per dwelling, where on-site parking is available from the commercial uses on site.)	5 bays	Not supported- has been conditioned to comply.
Setbacks:			
Site/ground floor -South (Front)	Maintaining existing setbacks in the street.	Forward of existing setbacks along the street.	Supported- front setbacks within area generally not consistent.
First/ground floor -South(Front)-	6 metres	900 millimetres to terrace, and 4.2 metres to 5.3 metres to main façade.	Supported- impact on streetscape considered minor given first floor terrace is generally open
- North (Rear)	1.5 metres	0-4.5 metres	Supported- no undue impact on neighbour.

Loft/first floor - North (Rear)	3.0 metres	1.6-2.7 metres	Supported- no undue impact on neighbour.
No. of Storeys	2 Storeys	3 Storeys	Supported- ground floor is essentially below natural ground level.
<b>Consultation Submissions</b>			
Support	N/A		N/A
Objection (3)	<p>The current proposal is not required to be advertised as an application for a similar proposal has been advertised and determined at an Ordinary Meeting of Council within the previous twelve months.</p> <ul style="list-style-type: none"> <li>• Plot ratio.</li> <li>• Building height.</li> <li>• Bulk and scale.</li> <li>• Overlooking and over-shadowing.</li> <li>• Excavation.</li> <li>• Impact on streetscape.</li> <li>• Front setbacks do not comply with Lindsay Locality Statement.</li> <li>• Monger Street is an intact streetscape.</li> <li>• Lack of parking and crossover width will reduce street parking.</li> <li>• Noise.</li> </ul>		<p>Not supported- refer to above.</p> <p>Not supported- refer to above.</p> <p>Not supported - plot ratio and side and rear setbacks is compliant and height is at feasible minimum.</p> <p>Not supported- compliant with R-Codes in terms of privacy and solar access.</p> <p>Not supported- compliant with R-Codes in terms of excavation.</p> <p>Not supported- bulk and scale of development is supported (refer to above) and Town's Policy encourages contemporary design.</p> <p>Not supported - refer to above.</p> <p>Not supported- refer to 'impact on streetscape' and 'bulk and scale'.</p> <p>Supported- has been conditioned to comply.</p> <p>Not supported- no specific planning requirements relating to noise control.</p>

\* 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.

Over time, it is envisaged that the area is to be transformed to an area of compatible residential and commercial uses. The proposal is considered to maintain an acceptable level of residential amenity and it is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 7 December 2004:

*"OFFICER RECOMMENDATION:*

*That;*

*(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Tangelo Design Consultants on behalf of the owner Knutsford On Blake Pty Ltd for proposed Demolition of Existing Single House at No(s). 28 (Lot(s) 56) Monger Street, Perth, and as shown on plans stamp-dated 11 October 2004, subject to:*

- (a) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (b) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (c) a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (d) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (e) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
- (f) prior to the issue of a Demolition Licence, plans shall be submitted and approved demonstrating the provision of a plaque or interpretive piece of artwork visible to the public domain that recognises the historic value associated with the site. The approved plaque or interpretive piece of artwork shall be installed prior to the first occupation of any future redevelopment of the property and maintained thereafter by the owner(s)/occupier(s), and*
- (g) compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

*(ii) 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 Tangelo Design Consultants on behalf of the owner Knutsford On Blake Pty Ltd for proposed Construction of a Two-Three-Storey Mixed Use Development Comprising Offices and Three (3) Multiple Dwellings (Including Lofts) and Associated Carparking , at No(s). 28 (Lot(s) 56) Monger Street, Perth, and as shown on plans stamp-dated 11 October 2004, for the following reasons:*

- (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*

- (b) *the non-compliance with the plot ratio, building height and setbacks requirements of the Residential Design Codes;*
- (c) *the non-compliance with the plot ratio, building height and number of storeys requirements of the Town's Policies relating to Beaufort Precinct, Building Scale and Lindsay Locality, respectively; and*
- (d) *consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Chester, Seconded Cr Torre

*That the Item be DEFERRED as requested by the applicant.*

CARRIED (8-0)

*(Mayor Catania was absent from the Chamber.)*

<i>Landowner:</i>	<i>Knutsford on Blake Pty Ltd</i>
<i>Applicant:</i>	<i>Tangelo Design Consultants</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Office Building &amp; Multiple Dwelling</i>
<i>Use Classification:</i>	<i>"AA" &amp; "P"</i>
<i>Lot Area:</i>	<i>438 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

**BACKGROUND:**

*24 February 2004 - The Council at it Ordinary Meeting resolved to refuse an application for a proposed demolition of existing single house and construction of a three-storey mixed-use development comprising two (2) offices, two (2) two-storey with loft grouped dwellings, one (1) two-storey grouped dwelling and associated basement car parking at the subject lot.*

*30 November 2004 - The Town's Officers advised the applicant that the subject proposal cannot be supported due to the extent of variations. The applicant requested the proposal to be referred to Council for determination.*

**DETAILS:**

*The proposal involves the demolition of existing single house and outbuildings and construction of a three-storey mixed use development comprising two (2) offices and three (3) multiple dwellings and associated carparking. The applicant's submission is "Laid on the Table".*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>R 80- 3 Multiple dwellings</i>	<i>R 68.5- 3 Multiple dwellings</i>	<i>Supported- no variation.</i>

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>0.75- 328.5 square metres</i>	<i>1.00- 442 square metres</i>	<i>Not Supported- over-development of site (plot ratio does not include roof terraces on loft floor of Unit 2 and 3 and loft/first floor of Unit 1 as they open on two sides, apart from screening).</i>
<i>Building Height</i>	<i>6 metres</i>	<i>6.3 metres</i>	<i>Not Supported- bulk and scale inconsistent with surrounding area.</i>
<i>Car Parking</i>	<i>8 bays</i>	<i>5 bays</i>	<i>Supported- Clause 4.2.1 of R- Codes permits reduction to one car bay per dwelling, where on-site parking is available from the commercial uses on site.</i>
<i>Buildings on Boundaries</i>	<i>One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.</i>	<i>Two boundary walls proposed:  Western boundary wall has an average height of 3.3 metres and a maximum height of 3.5 metres, for 40.4 % of boundary.  Eastern boundary wall has an average height of 4.15 metres and a maximum height of 5.5 metres, for 57.4 % of boundary.</i>	<i>Not Supported- height of wall considered to have undue impact on neighbours.</i>
<i>Non-Compliant Requirements</i>			
<i>Setbacks:  Site/ground floor  -South (Front)  -East</i>	<i>Maintaining existing setbacks in the street.  1.5 metres</i>	<i>Forward of existing setbacks along the street.  Nil</i>	<i>Supported- front setbacks within area generally not consistent.  Supported- no undue impact on neighbour.</i>

<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>First/ground floor</i>			
<i>-South(Front)-</i>	<i>6 metres</i>	<i>900 millimetres to terrace, and 4.2 metres to 5.3 metres to main façade.</i>	<i>Supported- impact on streetscape considered minor given first floor terrace is generally open</i>
<i>-North (Rear)</i>	<i>1.5 metres</i>	<i>0-4.5 metres</i>	<i>Supported- no undue impact on neighbour.</i>
<i>- West(Unit 2)</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Not Supported- undue impact on neighbour.</i>
<i>- East</i>	<i>2.3 metres</i>	<i>Nil-2.0 metres</i>	<i>Not Supported- undue impact on neighbour.</i>
<i>Loft/first floor</i>			
<i>- North(Rear)</i>	<i>3. metres</i>	<i>1.6-2.7 metres</i>	<i>Supported- no undue impact on neighbour.</i>
<i>- East(Unit 3)</i>	<i>3.5 metres</i>	<i>0.5-2.8 metres</i>	<i>Supported- subject to eastern side of deck being screened to full height (and therefore, wall being assessed as minor opening).</i>
<i>- West(Unit 2)</i>	<i>3.5 metres</i>	<i>0.5-2.8 metres</i>	<i>Supported- subject to western side of deck being screened to full height.</i>
<i>No. of Storeys</i>	<i>2 Storeys</i>	<i>3 Storeys</i>	<i>Not Supported- however, may be supported subject to wall height being reduced to comply.</i>
<i>Consultation Submissions</i>			
<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>Support</i>	<i>N/A</i>		<i>N/A</i>
<i>Objection (3)</i>	<p><i>The current proposal is not required to be advertised as an application for a similar proposal has been advertised and determined at an Ordinary Meeting of Council within the previous twelve months.</i></p> <ul style="list-style-type: none"> <li><i>• Plot ratio.</i></li> <li><i>• Building height.</i></li> <li><i>• Bulk and scale.</i></li> </ul>		<p><i>Supported- refer to above.</i></p> <p><i>Supported- refer to above.</i></p> <p><i>Supported- bulk and scale inconsistent with surrounding area.</i></p>

<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>
	<ul style="list-style-type: none"> <li>• <i>Overlooking and over-shadowing.</i></li> <li>• <i>Excavation.</i></li> <li>• <i>Impact on streetscape.</i></li> <li>• <i>Front setbacks do not comply with Lindsay Locality Statement.</i></li> <li>• <i>Monger Street is an intact streetscape.</i></li> <li>• <i>Lack of parking and crossover width will reduce street parking.</i></li> <li>• <i>Noise.</i></li> </ul>		<p><i>Not Supported- compliant with R-Codes in terms of privacy and solar access.</i></p> <p><i>Not Supported- compliant with R-Codes in terms of excavation.</i></p> <p><i>Supported- bulk and scale inconsistent with surrounding area.</i></p> <p><i>Not Supported. - refer to above.</i></p> <p><i>Supported- height, bulk, scale and plot ratio are not considered to be keeping in the immediate streetscape.</i></p> <p><i>Not Supported- sufficient car parking provided on-site.</i></p> <p><i>Not Supported- no specific planning requirements relating to noise control.</i></p>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

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

*Demolition*

*The Heritage Assessment for the above property is included as an attachment, and was undertaken in accordance with the Town's Policy No.3.6.2 and found that the significance of the place was as follows:*

*Primary Significance*

*The place has little to some historic value as part of the rapid and dense development, within walking distance from the city, which occurred during the influx of migrants attracted to Perth in the Gold Rush Period (1890-1910).*

*With respect to the above statement, the significance of the place is limited to its historic value and not its physical attributes. The general lack of integrity as a result of accumulative changes has been acknowledged in the Heritage Assessment.*

*The proposed demolition of the existing single house and the provision of interpretive artwork visible to the public domain attempts to reconcile the acknowledgement of limited historic significance and the constraints of the site in terms of redevelopment.*

*In light of the above, it is considered that the proposal to demolish the existing house is considered acceptable, subject to further details being submitted to and approved by the Town regarding the design, location and interpretation of the heritage values of the site, prior to the issuing of a Demolition Licence.*

**COMMENTS:**

*In light of the objections received, the bulk and scale of the proposed development, and the above-mentioned variations sought, the proposal is considered to adversely impact on the amenity of the neighbouring properties and the area generally.*

*Given there is opportunity for redesign for compliance with the Residential Codes and the Town's Policies, the proposal is recommended for refusal."*

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 8.10pm and did not speak or vote on the matter.

**10.4.10 Approval of Concerts at Members Equity Stadium, No. 310 Pier Street, Perth - Policy Development**

<b>Ward:</b>	South	<b>Date:</b>	15 December 2004
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0072
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Brits, J Maclean, C Wilson		
<b>Checked/Endorsed by:</b>	R Boardman; John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the application for proposed concerts at Members Equity Stadium (Perth Oval) located at No. 310 Pier Street, Perth;*
- (ii) *NOTES that the proposed events were advertised for community comment in the local newspaper and by letter drop to nearby residents in adjoining streets;*
- (iii) *APPROVES the concerts to be held on 15 February 2005 for the 'In Concert - John Farnham and Tom Jones' and 19 February 2005 for the 'Moonlight Wine and Food Festival' and delegates the finalisation of the appropriate conditions of approval and time restrictions to the Chief Executive Officer in liaison with the Mayor (the Council's representatives on the approved Stadium Committee) (on the proviso that they are not significantly different to the following) subject to and including the following conditions:*
  - (a) *full compliance with the Terms and Conditions specified in the Deed of Licence between Allia Holdings Pty Ltd and the Council;*
  - (b) *event Risk Management Planning to include Public Liability Insurance Cover, Noise Control, Litter Control, Anti-social and Crowd Control;*
  - (c) *the hours of the events being approved as follows:*
    - *'In Concert - John Farnham and Tom Jones' Tuesday 15 February 2005:*
      - *gates open: 5.30pm*
      - *show commences 8.30pm*
      - *show ceases 11.00pm*
      - *lights out 11.30pm; and*
    - *'Moonlight Wine and Food Festival' Saturday 19 February 2005 being limited to:*
      - *gates open: 5.00pm*
      - *event ceases 11.00pm*
      - *lights out 11.30pm;*

- (d) *submission of Structural Engineer's Certification at least three working days prior to events and the removal of all temporary structures no later than seven (7) days after the last event by the promoter;*
- (e) *requiring a detailed Acoustic Engineer's Sound Control Report to be submitted to the Town by 31 January 2005 including the promoter's Consultant's attendance at his expense, the sound monitoring regime, that the maximum sound level of 65dB(A) on any footpath outside the boundary of the property will not be exceeded for longer than 5 minutes at any stage of the events, complaint attendance and sound reading by the consultant during events, logging of complaints and action taken, providing two direct mobile contact numbers to nearby residents and the Town, logging sound levels inside and outside the stadium and reporting on the events within 3 working days after each event, and delegating the Regulation 18 sound level conditions to the Chief Executive Officer and Manager Health Services;*
- (f) *no amplified music or announcements to be made after 10.30pm;*
- (g) *the sound testing of equipment shall be limited to a maximum of one 0.5 hour duration on the day of the event after midday and no more than one testing period is permitted;*
- (h) *clean-up in the streets and footpaths around the stadium to commence at 11.00pm and litter to be removed prior to 8.00am the following morning;*
- (i) *a Public Transport Promotion Plan to be submitted by 17 January 2005 by the promoter and Venue Manager including that public transport tickets will be included in future events;*
- (j) *availability of free drinking water to be ensured at all times by promoter and the three existing fixed drinking fountains to remain operable during the events;*
- (k) *external security foot patrols and a vehicular patrol around the venue to commence one hour prior to commencement of the event and continue one hour after closure to move spectators on and to minimise external anti-social behaviour; and*
- (l) *the bond of \$5,000 already deposited (as a requirement of the Heads of Agreement) be used by the Chief Executive Officer at his discretion regarding any reported and substantiated damage to Town or private property;*
- (iv) *NOTES that a separate report is listed in this Agenda for the implementation of Residential Parking Restrictions to be introduced in a number of streets surrounding Members Equity Stadium (Perth Oval);*
- (v) *APPROVES the use of Loton Park, to accommodate the parking of a maximum of 350 vehicles, on 15 February 2005, between 5.00pm and 11.30pm and on 19 February 2005, between 4.30pm and 11.30pm, subject to the Town's Rangers controlling the parking on the Park in accordance with the Parking Management Plan and that revenue generated from parking fees (\$10 per vehicle) will be retained by the Town;*

- (vi) **REQUIRES** an on-site Notice Board in a prominent place to be maintained to the satisfaction of the Chief Executive Officer that advertises future Event Scheduling in relation to those events that will occur outside the buildings and utilise the grounds at least 3 weeks prior to the dates of those events with appropriate promoter and managing agent office and after-hours contact details;
- (vii) **REQUIRES** the Venue Manager to reinstate any fencing removed for safety or access reasons to the playing pitch, to its current condition and repair any damage to the playing pitch, stadium fixtures and fittings; and
- (viii) **REQUIRES** the Venue Manager to continuously comply with the conditions and requirements of the Town, WA Police Services (Public Events and Emergency Branches), Fire and Emergency Services (FESA), Department of Health WA (Public Buildings), Director of Liquor Licensing (Events and Clubs licensing), Department of Sport and Recreation, and the relevant legislation, Australian Standards, Codes and Guidelines of the relevant condoning authorities and Sporting organisations;
- (ix) **ADVISES** the Venue Manager that;
- (a) all applicants for future events must be strongly advised not to advertise or promote proposed events, without the prior approval of the Council;
- (b) the Council does not support and will not approve events which involve amplified music and are of lengthy/all day duration (eg 'Big Day Out') therefore, they should discourage this type of event;
- (c) free public transport will be a requirement for all future events involving large crowds (eg for crowds of 10,000 persons or more - 50% capacity) and that this must be included as a component of the ticket; and
- (x) **NOTES** that a Policy is being prepared for the consideration of the Council to provide guidelines for events at the stadium and this will be submitted to the Ordinary Meeting of Council to be held in February 2005;

to the satisfaction of the Chief Executive Officer.

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**Moved Cr Lake, Seconded Cr Chester**

That the recommendation be adopted subject to clauses (iii)(e) and (i) being amended and the existing clause (ix)(c) being deleted and a new clause (ix)(c) added as follows:

- "(iii) (e) requiring a detailed Acoustic Engineer's Sound Control Report to be submitted to the Town by 31 January 2005 including the promoter's Consultant's attendance at his expense, the sound monitoring regime, that the maximum sound level of 65dB(A) on any footpath outside the boundary of the property will not be exceeded for longer than a total of 5 minutes, in any 60 minute period, at any stage of the events, complaint attendance and sound reading by the consultant during events, logging of complaints and action taken, providing two direct mobile contact numbers to nearby residents and the Town, logging sound levels inside and outside the stadium and reporting on the events within 3 working days after each event, and delegating the Regulation 18 sound level conditions to the Chief Executive Officer and Manager Health Services;"

(iii) (i) a Public Transport Promotion Plan to be submitted by 17 January 2005 by the promoter and Venue Manager, and such Plan to include a requirement that the promoters enter into an agreement with Transperth to build the cost of public transport into the cost of tickets to each event and all future advertisements for these events must clearly state that this is the case;

(ix) (c) it will be a Council requirement for the approval of all future major events (eg for crowds of 10,000 persons or more - 50% capacity) that the promoters enter into an agreement with Transperth to build the cost of public transport into the cost of tickets to each event, and for this initiative to be widely promoted and publicised and all future advertisements for these events must clearly state that this is the case; "

Debate ensued.

Moved Cr Ker, Seconded Cr Torre

*That clause (iii)(f) be amended to read as follows"*

*"(iii) (f) no amplified music or announcements to be made after ~~10.30~~ 11.00pm with the exception of essential public announcements;"*

AMENDMENT CARRIED (4-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Farrell	Cr Lake
Cr Ker	
Cr Torre	

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

Moved Cr Lake, Seconded Cr Ker

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

*"(xi) ADVISES the applicant that if there are any costs associated with signage required for parking restrictions, the costs are to be borne by the applicant."*

AMENDMENT CARRIED (6-0)

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

Mayor Catania requested that it be recorded that he has not had any discussions or entered into any negotiations or agreements regarding free tickets to the events.

Debate ensued.

MOTION AS AMENDED CARRIED (6-0)

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.4.10**

*That the Council;*

- (i) *RECEIVES the report on the application for proposed concerts at Members Equity Stadium (Perth Oval) located at No. 310 Pier Street, Perth;*
- (ii) *NOTES that the proposed events were advertised for community comment in the local newspaper and by letter drop to nearby residents in adjoining streets;*
- (iii) *APPROVES the concerts to be held on 15 February 2005 for the 'In Concert - John Farnham and Tom Jones' and 19 February 2005 for the 'Moonlight Wine and Food Festival' and delegates the finalisation of the appropriate conditions of approval and time restrictions to the Chief Executive Officer in liaison with the Mayor (the Council's representatives on the approved Stadium Committee) (on the proviso that they are not significantly different to the following) subject to and including the following conditions:*
- (a) *full compliance with the Terms and Conditions specified in the Deed of Licence between Allia Holdings Pty Ltd and the Council;*
- (b) *event Risk Management Planning to include Public Liability Insurance Cover, Noise Control, Litter Control, Anti-social and Crowd Control;*
- (c) *the hours of the events being approved as follows:*
- *'In Concert - John Farnham and Tom Jones' Tuesday 15 February 2005:*
    - *gates open: 5.30pm*
    - *show commences 8.30pm*
    - *show ceases 11.00pm*
    - *lights out 11.30pm; and*
  - *'Moonlight Wine and Food Festival' Saturday 19 February 2005 being limited to:*
    - *gates open: 5.00pm*
    - *event ceases 11.00pm*
    - *lights out 11.30pm;*
- (d) *submission of Structural Engineer's Certification at least three working days prior to events and the removal of all temporary structures no later than seven (7) days after the last event by the promoter;*
- (e) *requiring a detailed Acoustic Engineer's Sound Control Report to be submitted to the Town by 31 January 2005 including the promoter's Consultant's attendance at his expense, the sound monitoring regime, that the maximum sound level of 65dB(A) on any footpath outside the boundary of the property will not be exceeded for longer than a total of 5 minutes, in any 60 minute period, at any stage of the events, complaint attendance and sound reading by the consultant during events, logging of complaints and action taken, providing two direct mobile contact numbers to nearby residents and the Town, logging sound levels inside and outside the stadium and reporting on the events within 3 working days after each event, and delegating the Regulation 18 sound level conditions to the Chief Executive Officer and Manager Health Services;*

- (f) no amplified music or announcements to be made after 11.00pm with the exception of essential public announcements;*
- (g) the sound testing of equipment shall be limited to a maximum of one 0.5 hour duration on the day of the event after midday and no more than one testing period is permitted;*
- (h) clean-up in the streets and footpaths around the stadium to commence at 11.00pm and litter to be removed prior to 8.00am the following morning;*
- (i) a Public Transport Promotion Plan to be submitted by 17 January 2005 by the promoter and Venue Manager, and such Plan to include a requirement that the promoters enter into an agreement with Transperth to build the cost of public transport into the cost of tickets to each event and all future advertisements for these events must clearly state that this is the case;*
- (j) availability of free drinking water to be ensured at all times by promoter and the three existing fixed drinking fountains to remain operable during the events;*
- (k) external security foot patrols and a vehicular patrol around the venue to commence one hour prior to commencement of the event and continue one hour after closure to move spectators on and to minimise external anti-social behaviour; and*
- (l) the bond of \$5,000 already deposited (as a requirement of the Heads of Agreement) be used by the Chief Executive Officer at his discretion regarding any reported and substantiated damage to Town or private property;*
- (iv) NOTES that a separate report is listed in this Agenda for the implementation of Residential Parking Restrictions to be introduced in a number of streets surrounding Members Equity Stadium (Perth Oval);*
- (v) APPROVES the use of Loton Park, to accommodate the parking of a maximum of 350 vehicles, on 15 February 2005, between 5.00pm and 11.30pm and on 19 February 2005, between 4.30pm and 11.30pm, subject to the Town's Rangers controlling the parking on the Park in accordance with the Parking Management Plan and that revenue generated from parking fees (\$10 per vehicle) will be retained by the Town;*
- (vi) REQUIRES an on-site Notice Board in a prominent place to be maintained to the satisfaction of the Chief Executive Officer that advertises future Event Scheduling in relation to those events that will occur outside the buildings and utilise the grounds at least 3 weeks prior to the dates of those events with appropriate promoter and managing agent office and after-hours contact details;*
- (vii) REQUIRES the Venue Manager to reinstate any fencing removed for safety or access reasons to the playing pitch, to its current condition and repair any damage to the playing pitch, stadium fixtures and fittings; and*

- (viii) *REQUIRES the Venue Manager to continuously comply with the conditions and requirements of the Town, WA Police Services (Public Events and Emergency Branches), Fire and Emergency Services (FESA), Department of Health WA (Public Buildings), Director of Liquor Licensing (Events and Clubs licensing), Department of Sport and Recreation, and the relevant legislation, Australian Standards, Codes and Guidelines of the relevant condoning authorities and Sporting organisations;*
- (ix) *ADVISES the Venue Manager that;*
- (a) *all applicants for future events must be strongly advised not to advertise or promote proposed events, without the prior approval of the Council;*
  - (b) *the Council does not support and will not approve events which involve amplified music and are of lengthy/all day duration (eg 'Big Day Out') therefore, they should discourage this type of event;*
  - (c) *it will be a Council requirement for the approval of all future major events (eg for crowds of 10,000 persons or more – 50% capacity) that the promoters enter into an agreement with Transperth to build the cost of public transport into the cost of tickets to each event, and for this initiative to be widely promoted and publicised and all future advertisements for these events must clearly state that this is the case;*
- (x) *NOTES that a Policy is being prepared for the consideration of the Council to provide guidelines for events at the stadium and this will be submitted to the Ordinary Meeting of Council to be held in February 2005; and*
- (xi) *ADVISES the applicant that if there are any costs associated with signage required for parking restrictions, the costs are to be borne by the applicant.*

*to the satisfaction of the Chief Executive Officer.*

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**EVENT DETAILS:**

Allia Holdings Pty Ltd and the Promoters met with the Chief Executive Officer on 22 September 2004 to discuss the proposed *John Farnham and Tom Jones Concert*. (No mention was made of the proposed "Moonlight Music and Wine" event for 19 February 2005.) The Chief Executive Officer requested a written submission and strongly advised that no approval can be given until an application is made and approved by the Council. He urged both parties to submit their application to the Town as soon as practicable. Subsequently, an application was received late November 2004 from Allia Holdings Pty Ltd, the Managing Agents for Members Equity Stadium in relation to February 2005.

Details of each event are as follows:

**1. "IN CONCERT" JOHN FARNHAM AND TOM JONES CONCERT - 15 FEBRUARY 2005**

Perth (like Brisbane, Melbourne and Sydney) is proposing to host a one-off show under the banner of Moonlight Music and Wine Festival and featuring John Farnham and Tom Jones. *In Concert* is scheduled for Tuesday 15 February 2005 with gates/doors opening from 5:30pm. The show will commence at 8:30pm and the approximate finishing time is 11:00pm. The Tuesday Event will feature John Farnham and Tom Jones together in their only Western Australian Show. The Event will be totally seated with seats being added to the pitch. The event will also include wine, food market stalls and adult lifestyle displays. The event will be run from 5:30 – 11:00 pm. The event will have a family friendly focus.

As the Town would like the wider community to enjoy this special event, every effort is being made to ensure any unreasonable inconvenience to nearby residents is kept to a minimum. To this end, a detailed Event Management Plan has been required to address parking, noise, anti-social behaviour and litter. In early 2005, the Promoters also have to meet with the Town's Officers, Police Service, Crowd Controllers, Liquor Licensing, Department of Health WA (Public Building representative) and Fire and Emergency Services (FESA) to finalise operational event measures.

In addition, there will be a full complement of ten Rangers, progressively rostered on duty from three-hours before the start of the concert, and one Environmental Health Officer on duty and they will strictly enforce the Town's Local Laws in relation to parking and public events. Where a vehicle is deemed to be illegally parked, it will incur an infringement notice. If it is considered by a Ranger to be causing an obstruction, it may also be towed away to an impound yard. Should an issue arise, the matter can be reported to the Town's after-hours emergency telephone number 9273 6061 and a Duty Officer will action it accordingly.

Furthermore, Chris White the promoter of both proposed events advised: *"I will make myself available for the upcoming Council Meeting on the 21st of December (2004) to answer and queries that the councillors may have."*

## **2. MOONLIGHT MUSIC & WINE - 19 FEBRUARY 2005**

The application stated this event is for 10.00am to 11.00pm on 19 February 2005. The promoter advised as follows: *"It is proposed to stage a contemporary adult orientated festival known as Moonlight Music and Wine at Members equity Stadium on (Tuesday) the 15<sup>th</sup> & Saturday 19<sup>th</sup> of February 2004.*

*The Saturday will feature some of the most outstanding national and international artists. With the stellar line-up including The Doors, Willie Nelson, Blondie, Jimmy Barnes, David Byrne and more. The event will also (have) Wine displays, Food displays, Tourism stalls, Market Stalls, Food and Drink Stalls, Sideshow type Rides, Merchandising Outlets, Public Information Stalls (such as Greenpeace, Amnesty International, AIDS Council etc) General Exhibitions, St John Ambulance plus a licensed Bar Area. The event will be open to All Ages.*

*The event is a festival for the contemporary adult market, and is designed to attract the cream of the World's and Australian talent to Western Australia. It has been clearly evident that recently, Western Australia has not been able to attract these type of artists, denying the West Australian public the chance to experience world class entertainment.*

### **Fencing:**

*The whole of the concert area will be securely fenced with the perimeter being checked at all times for any weak areas. The outer perimeter where necessary will also be covered to stop people milling and creating a nuisance for all concerned.*

### **Licensed Areas:**

*It is intended that alcohol will be supplied at the event, with the requirements of the condoning authorities being adhered to.*

### **Security:**

*One of the most important components of a successful event is to have a well-versed and visually recognisable security presence. We would at all times adhere to requirements as to attending numbers as stipulated in licensed areas by liquor licensing. Security will at all times be in radio contact with a central command post and all will be equipped with torches. All security staff will be employed from reputable security companies and comply with the crowd control requirements and would at all times liaise closely with all relevant authorities.*

**Liquor License and Alcohol Controls.**

*Application for a Liquor License will be made (to the Director Liquor Licensing) and separate Licensed Areas will be available. We have had considerable experience with the staging of Licensed Events and are conscious of all the requirements of all relevant authorities. In the years we have been staging events such as this, we have not had any problems of any nature with Liquor Licensing nor with local authorities. Food will be available at all times within licensed areas.*

**First Aid:**

*First Aid is an important part at any event with substantial numbers of people attending. We envisage having two First Aid Posts on the grounds and would have in attendance St John Ambulance at all times.*

**Venue Cleaning:**

*We will have located all around the grounds rubbish bins and these will be serviced throughout the day. It is a condition of entry that NO GLASS is to be brought into the grounds and all bags will be checked on entry. We will of course, engage contractors to thoroughly clean all areas after the event to ensure that during the show, rubbish is kept to a minimum. The Cleaning will be conducted on an Outside in principal, with the cleaning starting outside the grounds, to ensure that the residents do not have issues with rubbish.*

**Toilets:**

*We envisage utilising all existing toilets and supplementing these with portable toilet blocks. We will of course adhere to Health Department requirements as to numbers provided. We are very aware of the problems that always arise at events of this type and will be addressing them to the best of our abilities.*

**Catering, Soft Drinks & Water:**

*We will be providing (by way of Contractors) different types of Food to be available at all times throughout the day. All food vendors will be required to satisfy Health requirements. Soft Drinks and Water stands will be located around the grounds and will be available at all times.*

**Parking and Transport:**

*We will at all times encourage patrons to use **Public Transport** to and from the event and will liaise with **Westrail** to ensure that adequate trains are running before and after the event as in previous years.*

**Police presence:**

*We will be happy to provide a command post to the W.A. Police Service to be attendance at all times during the event and look forward to their presence.*

**Conclusion:**

*We are fully aware of the responsibilities of staging an event such as this and will at all times adhere to all requirements to ensure both a successful and stress free event."*

**Venue Manager Comment on Event Duration**

*'As I mentioned earlier on the phone, the Moonlight Festival cannot be restricted to 8 hours. The event needs to start at approx 12.00pm with music playing around 10 hours. There will obviously be breaks in between artists performing however applying such restrictions may force the event to be cancelled (such restrictions have not been imposed by other Councils at other Perth venues in the events history). There have not been any significant complaints, poor feedback or incidents at this event over the years and I would urge Council to consider the true nature of the event (contemporary), its market, and track record before making such a radical decision to request changing the structure of a successful proven event. It is my view that such a decision will attract negative publicity and possibly the cancellation of the*

*Farnham and Jones Concert due to their linkage under the Moonlight banner. I look forward to resolving these issues with you and the Town soon, along with the positive economic impact and profile these events will have upon the local community, Northbridge, Town of Vincent and Members Equity Stadium.'*

**Officer Comment:**

It should be noted that the Moonlight Festival has been held at Claremont Showgrounds for the previous 2 - 3 years. Whilst these events may not be identical (eg proximity to residents, nature of performers etc) to what is proposed at Members Equity Stadium, enquiries with the Town of Claremont revealed that no complaints were received by their Environmental Health Officers.

However, due to several telephone calls and e-mails received expressing objection to the proposed duration of the second event, reporting officers are unable to recommend a duration exceeding that of the first proposed event.

**LEGAL/POLICY IMPLICATIONS:**

The Financial Assistance Agreement and the Heads of Agreement state:

*"that the facility be made available to as many sporting groups as the facility design permits, including cultural and artistic events and significant occasions such as World Championships, Commonwealth Games etc ...."*

However, during negotiations with Allia and the Department of Sport and Recreation in preparing the two legal documents, the Town's officers made it quite clear on a number of occasions that the Town does not support and will not approve events of long duration which will impact on the amenity of the local area. This was acknowledged by both parties.

As resolved by Council at its Ordinary Meeting held on 14 September 2004, the Chief Executive Officer has been and will continue to liaise with the Venue Manager, Mayor and the Town's relevant Managers as an Internal Working Group to address relevant matters pursuant to the Council decisions and the Licence Agreement.

**OPERATIONAL MATTERS:**

In correspondence to the Manager Health Services, Allia Holdings' Venue Manager Roy Depczynski on 9 December 2004 confirmed as follows:

*"Following our meeting ... a number of issues (were discussed) further. We agreed that there still appears to be some confusion between the parties as to who is responsible for what and the relationship between the Venue Manager (Allia) and the event promoter (in this instance, Chris White of Michael Chugg Entertainment). A concert event is not dissimilar to a Perth Glory Soccer Event where Allia manage all aspects of the venue while the promoter markets the event and acquires the talent/players/artists (along with additional requirements such ie enhanced audio etc).*

*I have outlined Allia's core functions below that are including but not limited to:*

- Risk Management
- Catering
- Security
- Ticketing
- Ushering & Match Day Ticketing
- Audio / Visual & Sound

- *Traffic Management*
- *Parking*
- *Turf Maintenance*
- *Entertainment*
- *Graphics and Design*
- *Information Technology*
- *Sign-writing*
- *Venue Maintenance*
- *Cleaning & Waste Management*
- *Public Transport*
- *Fire and Emergency Services*
- *Liquor Licensing*
- *Trades & Other Suppliers*
- *Venue Marketing*
- *Event Acquisition*

In respect of traffic management Allia Holdings has engaged the services of accredited contractor, Advanced Traffic Management (ATM), the current service provider for Perth Glory Soccer games, who are required to prepare and submit a Traffic Management Plan (TMP) for the Town and WA Police Services - Public Events Branch and Emergency Management Section - approval for each event. It is also ATM's function to liaise with the Emergency Services in respect of access to the stadium in the event of an emergency, traffic police, Town of Vincent Rangers and Transperth. The TMP currently used for Glory games has evolved over several years in liaison with the Town and Police Traffic Branch and will serve as the template on which TMP's will be developed for any future events at Members Equity Stadium.

#### **STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3.2(e) "*Maintain separate costs centres for Perth Oval and Leederville Oval and other business units.*"

#### **COMMUNITY CONSULTATION/ADVERTISING:**

The Town's letterbox drop of nearby residents in adjoining streets occurred on 28 November 2004 and was advertised in the *Guardian Express* Newspaper on the 30 November 2004. The information was also placed under community consultation on the Town's website on 30 November 2004. The boundaries for the letterbox drop to residents were north to Harold Street (south side only), south to Newcastle Street (north side), west to Beaufort Street and east to the railway line.

At the time of writing the Agenda Report, twelve (12) submissions were received. Submissions were from Brewer, Bulwer, Pier, Wright, Stirling, Lord and Smith Streets. These are shown in Appendix A.

#### **COMMENTS:**

It is disappointing that the Venue Managers (Allia Holdings) and the concert promoters did not fully communicate with the Town, prior to advertising their proposed events - despite being strongly advised by the Chief Executive Officer not to do so in September 2004.

The advertising of the tickets without the Council's prior approval has made it very difficult (if not impossible for these events) for Council to consider the aspect of including public transport in the sale of the event tickets.

For those events, the promoter should be requested to provide free public transport and/or reimburse any patrons upon receipt of their bus/transport ticket. The Venue Manager should be advised that future events of this magnitude will require free public transport as part of the event ticket.

The *'Moonlight Music and Wine Festival'* proposed for 19 February 2005 was not discussed with the Town, prior to their application being received. By this stage, the event was promoted. The long duration of this proposed event (10.00 am - 11.00 pm: 13 hours) is not supported, as it is totally unreasonable for the local residents to be subjected to an event of this duration. Accordingly, the Venue Manager and Promoter have been advised that this proposed event must be significantly reduced in duration (eg 5.00 pm - 10.30 pm) - they have indicated this condition will make the proposed event unworkable and unlikely to proceed.

Whilst it may be unworkable, their lack of communication with the Town is their responsibility. If enquiries had been made at the initial meeting (or earlier prior to promoting the event) this matter could have been clarified and avoided.

The Town's administration is currently preparing a proposed Policy for the Council's consideration to provide guidelines for future major events at Members Equity Stadium. This will be submitted to the Council in February 2005.

Notwithstanding the above, the John Farnham and Tom Jones concert is a national event which will be enjoyed by many persons. The stringent conditions imposed will minimise inconvenience to residents surrounding the stadium. Furthermore, this is the first concert held at the venue since the redevelopment. It will be a *"test case"* for its suitability as a concert venue. The Town will have adequate Rangers and Environmental Health Officers on duty to respond to any complaints which may arise on the night of the events.

Therefore, it is recommended that the events be approved as detailed in this report.

Cr Franchina returned to the Chamber at 8.29pm.  
Cr Farrell left the meeting at 8.29pm. Mayor Catania advised that due to a personal commitment, Cr Farrell had left the meeting and would not be returning.

**10.1.10 No. 160 (Lot 2) Brisbane Street, Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO1633; 00/33/2456
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Ian Xuyen Lu & Associates on behalf of the owner TS Phan for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 160 (Lot 2) Brisbane Street, Perth, and as shown on amended plans stamp-dated 3 December 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 158 Brisbane Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 158 Brisbane Street in a good and clean condition;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating a screen wing wall extension on the western side of the upper floor living room window. The swing wall shall have a minimum protrusion length of 1.0 metre, a minimum height of 1.6 metres above the respective first floor level and be of a permanent obscure material;*
- (iv) a pedestrian accessway/service corridor of a minimum width of 1.5 metres being provided and constructed from Brisbane Street to the proposed rear lot/dwelling;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Brisbane Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (vi) this approval shall not be construed as approval for demolition of the existing dwelling. All demolition on-site shall be the subject of a separate Planning Application and Demolition Licence being submitted to and approved by the Town, prior to commencement of any demolition works on-site;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Ker, Seconded Cr Franchina**

*That the Item be DEFERRED to allow for a complete application including demolition or part demolition of the Brisbane Street house to be submitted and considered by the Council.*

**CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

<b>Landowner:</b>	TS Phan
<b>Applicant:</b>	Ian Xuyen Lu & Associates
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	519 square metres
<b>Access to Right of Way</b>	North side, 5 metres wide, sealed, privately owned

**BACKGROUND:**

13 March 2001 Council, at its Ordinary Meeting, resolved to conditionally approve proposed additional two-storey dwelling to the rear of the existing single house.

11 February 2003 The Western Australian Planning Commission issued conditional approval for the subdivision of the subject site into two lots.

**DETAILS:**

The proposal involves proposed additional two-storey grouped dwelling to the rear of the existing single house.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	3.11 dwellings R 80 (R60 for grouped dwellings)	2 dwellings R 38.5	Supported - no variation
Plot Ratio	N/A	N/A	N/A

Setbacks Ground Floor Eastern (Garage)	1.5 metres	1 metre	Supported - considered minor and no undue impact on affected neighbours
Southern (Bedroom 1)	1.5 metres	1 metre	Supported - considered minor and no undue impact on affected neighbours
Privacy Setback- Living Room	6 metres	2.6 metres to western boundary	Not supported - conditioned accordingly
<b>Consultation Submissions</b>			
Support	N/A		N/A
Objection (3 - 2 from the same dwelling)	<ul style="list-style-type: none"> <li>• Right of way not appropriate frontage</li> <li>• Overlooking</li> <li>• Screening can be removed</li> <li>• Decrease property value</li> <li>• Negatively impact on amenity</li> <li>• Council should adhere to R Codes and Policy</li> </ul>		<p>Not supported - contravenes Town's Policies - Street Setbacks and Vehicular Access</p> <p>Not supported - no encroachment or conditioned.</p> <p>Not supported - conditioned to be permanent</p> <p>Not supported - not major planning consideration.</p> <p>Not supported - proposal will have a positive impact on amenity</p> <p>Supported - amended plans submitted and refer to above comments on non-compliant requirements</p>
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

**COMMENTS:**

The proposal was advertised for a 14 day period. The advertised plans were significantly amended to address the advertised non-compliances.

The setback variations sought by the applicant are supported, and the Town's Officers consider the proposal will initiate a significant increase in amenity of the area and adjoining properties.

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

**10.1.16 No. 58 (Lot 6) Hobart Street (Corner London Street), Mount Hawthorn - Proposed Survey Strata Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	1412-04
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission (WAPC), for the proposed subdivision application submitted by JS Chapman for No. 58 (Lot 6) Hobart Street (corner London Street) Mount Hawthorn, and as shown on plans stamp-dated 14 October 2004 (subdivision 1412-04) for the following reasons:*
- (a) *the subdivision is not consistent with orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *non-compliance with the Residential Design Codes, as there is a significant variation to the minimum site area requirements under the R20 density coding of the property; and*
  - (c) *the approval of the proposed subdivision could create an undesirable precedent for subdivision of lots with similar sizes within the area; and*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision, that the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

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**COUNCIL DECISION ITEM 10.1.16**

**Moved Cr Ker, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (5-1)**

**For**  
Mayor Catania  
Cr Chester  
Cr Franchina  
Cr Ker  
Cr Lake

**Against**  
Cr Torre

(Cr Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

<b>Landowner:</b>	JS Chapman
<b>Applicant:</b>	JS Chapman
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R20
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	645 square metres
<b>Access to Right of Way</b>	North side, 3.5 metres wide, unsealed, privately owned

**BACKGROUND:**

8 December 2004 The Town's Officers advised the owner that the subject proposal cannot be supported due to the non-compliance with the Residential Design Codes and the Town's Town Planning Scheme No. 1. The owners requested the proposal to be referred to Council for determination.

**DETAILS:**

The proposal involves a survey strata subdivision of the subject property to create two lots. One lot will have an area of 322.74 square metres and the other an area of 322.26 square metres. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Density	1.29 dwellings R 20	2 dwellings R 31	Not-Supported - Over-development of site
Minimum site area for R20 density area	- A minimum of 440 square metres - An average 500 square metres	55% Density Bonus Lot 1 - 322.74 square metres Lot 2 - 322.26 square metres Average- 322. 5 square metres	Not-Supported - Over-development of site
<b>Consultation Submissions</b>			
Support	N/A		N/A
Objection	N/A		N/A
<b>Other Implications</b>			
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.

\* 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.

**COMMENTS:**

The proposal does not require advertising. In light of the above, the proposal is considered to be over-development of the subject site and is therefore recommended for refusal.

**10.1.3 Further Report - No. 16 (Lot 28) Brentham Street, Leederville - Proposed Part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings and Nineteen (19) Three-Storey Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PRO2703; 00/33/2324
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by W Tjhung on behalf of the owner Baymoon Holdings Pty Ltd for proposed Part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings and Nineteen (19) Three-Storey Grouped Dwellings, at No. 16 (Lot 28) Brentham Street, Leederville, and as shown on revised plans stamp-dated 22 November 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Brentham Street and the southern and eastern sides shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) subject to first obtaining the consent of the owners of Nos. 20 (Lot 100) Brentham Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos.20 (Lot 100) Brentham Street in a good and clean condition including the incorporation of significant design features to reduce the visual expanse of the north facing wall of Unit 13;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:
 
  - (a) the provision of significant design features to the brick wall of Unit 13 adjacent to the northern boundary;**

- (b) noise attenuation measures, such as double glazing of all openings on the northern elevation of the dwellings facing the northern boundary of the subject site; and*
- (c) the preferred option in terms of site remediation being Option (1)/(A), however, the overall height of the development being a maximum of 9 metres above the natural ground level and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas.*

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

- (vi) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:  
  
"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (viii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ix) an archival documented record of the places (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (x) prior to the issue of a Building Licence, Management Plans addressing restriction in the use of ground water, monitoring of ground water quality and any other appropriate matters identified in the Department of Environment (DoE) letter dated 27 September 2004, shall be submitted to and approved by the Town and the DoE, and rules and regulations including signage relating to appropriate behaviour and use of the communal area. All such works and rules and regulations relating to the use of the communal areas shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans;*
- (xi) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Brentham Street, dust, safety and any other appropriate matters, shall be submitted to and approved by the Town; and*
- (xii) prior to the ground floor footings and slab being poured, the applicant/owner shall submit documentary evidence from a Licensed Land Surveyor to the satisfaction of the Town that the amount of fill is in accordance with the fill levels recommended by the Department of Environment and as approved in this approval;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted subject to new clauses (v)(d) and (e) being added as follows:*

- "(v) (d) the spa being setback a minimum of 1.5 metres from the northern boundary;  
and*
- (e) landscaping being provided within a landscaping strip of a minimum width of 1 metre along the entire northern edge of the common outdoor area."*

Debate ensued.

**CARRIED BY AN ABSOLUTE MAJORITY (5-1)**

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Franchina
Cr Chester	
Cr Ker	
Cr Lake	
Cr Torre	

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**COUNCIL DECISION ITEM 10.1.3**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by W Tjhung on behalf of the owner Baymoon Holdings Pty Ltd for proposed Part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings and Nineteen (19) Three-Storey Grouped Dwellings, at No. 16 (Lot 28) Brentham Street, Leederville, and as shown on revised plans stamp-dated 22 November 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Brentham Street and the southern and eastern sides shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (iv) *subject to first obtaining the consent of the owners of Nos. 20 (Lot 100) Brentham Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos.20 (Lot 100) Brentham Street in a good and clean condition including the incorporation of significant design features to reduce the visual expanse of the north facing wall of Unit 13;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the provision of significant design features to the brick wall of Unit 13 adjacent to the northern boundary;*
  - (b) *noise attenuation measures, such as double glazing of all openings on the northern elevation of the dwellings facing the northern boundary of the subject site;*
  - (c) *the preferred option in terms of site remediation being Option (1)/(A), however, the overall height of the development being a maximum of 9 metres above the natural ground level and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas.*
  - (d) *the spa being setback a minimum of 1.5 metres from the northern boundary; and*
  - (e) *landscaping being provided within a landscaping strip of a minimum width of 1 metre along the entire northern edge of the common outdoor area.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (viii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ix) *an archival documented record of the places (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (x) *prior to the issue of a Building Licence, Management Plans addressing restriction in the use of ground water, monitoring of ground water quality and any other appropriate matters identified in the Department of Environment (DoE) letter dated 27 September 2004, shall be submitted to and approved by the Town and the DoE, and rules and regulations including signage relating to appropriate behaviour and use of the communal area. All such works and rules and regulations relating to the use of the communal areas shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans;*
- (xi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Brentham Street, dust, safety and any other appropriate matters, shall be submitted to and approved by the Town; and*
- (xii) *prior to the ground floor footings and slab being poured, the applicant/owner shall submit documentary evidence from a Licensed Land Surveyor to the satisfaction of the Town that the amount of fill is in accordance with the fill levels recommended by the Department of Environment and as approved in this approval;*

*to the satisfaction of the Chief Executive Officer.*

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#### **FURTHER REPORT:**

Council at its Ordinary Meeting held on 7 December 2004 recommended that the item be "DEFERRED for the applicant to consider moving the spa and barbecue outdoor area."

#### **Additional Details from Applicant**

The applicant has further advised in letter dated 9 December 2004 (attached), that any antisocial behaviour in the communal areas will be controlled by the strata management for the development. The communal open space is required for the multiple dwellings and as such have been positioned adjacent to these multiple dwellings. The current location of the communal open has resulted in the reduction in the number of dwellings overlooking the school, which was as a result of the recommendation arising from consultation with the local community group. If the communal area is to be relocated, it would result in a redesign of the proposal, with the number of two-storey dwellings being increased along the school boundary to the north.

The applicant has recommended that the following restrictions be incorporated into the strata management rules:

- *"That the common area is not to be used between the hours of 9am and 3pm on school days.*
- *That appropriately sized and located signage will be installed with the instructions set out in Item 1."*

Double glazing is to be installed to the north facing bedrooms of units 10, 11, 12 and 13 to reduce the noise emanating from the school.

The applicant has further advised that they are prepared to submit written evidence from a Licensed Surveyor that the fill levels of the Department of Environment have been complied with.

The applicants have further advised that the previous condition (v) (b) should be deleted as the adjoining property is not zoned for residential purposes and complies with the Acceptable Criteria in relation to Privacy in Element 8 of the Residential Design Codes (R Codes).

### Comments

The additional time restriction recommended by the applicant relating to the use of the common area on the northern side boundary is not supported as it would restrict the use and enjoyment of limited recreational space especially in unit development, as compared to the open space available to single houses. However it is considered appropriate for signage to be installed in a prominent position in the communal areas advising residents/visitors to adhere to rules relating to appropriate behaviour and use of the communal area at all times, which should be incorporated into the strata management plan for the development.

The double glazing and the written certification from a Licensed Land Surveyor relating to fill levels is supported and had been recommended as a condition. The deletion of the previous condition (v) (b) is also supported as the proposal complies with the privacy requirements of the R Codes.

Overall the conditions recommended have been changed to reflect the above matters and the matters raised by Elected Members at the 7 December 2004 Ordinary Meeting of Council. The proposal is recommended for conditional approval on the above basis.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 7 December 2004:

#### *"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 BY AN ABSOLUTE MAJORITY the application submitted by W Tjhung on behalf of the owner Baymoon Holdings Pty Ltd for proposed Part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings and Nineteen (19) Two-Storey Including Lofts Grouped Dwellings, at No(s). 16 (Lot(s) 28) Brentham Street, Leederville, and as shown on revised plans stamp-dated 22 November 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Brentham Street and the southern and eastern sides shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) subject to first obtaining the consent of the owners of Nos. 20 (Lot 100) Brentham Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos.20 (Lot 100) Brentham Street in a good and clean condition including the incorporation of significant design features to reduce the visual expanse of the north facing wall of Unit 13;*

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the provision of significant design features to the brick wall of Unit 13 adjacent to the northern boundary; and*
  - (b) *the windows to Bedroom 1 of Unit 10, Bedroom 1 and 2 of Unit 11 and Bedroom 2 of Unit 12 on the first floor and Bedroom 2 on the first floor and Attic for Unit 13 on the western elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

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

- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (viii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ix) *an archival documented record of the places (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (x) *prior to the issue of a Building Licence, a Management Plan addressing restriction in the use of ground water, monitoring of ground water quality and any other appropriate matters identified in the Department of Environment (DoE) letter dated 27 September 2004, shall be submitted to and approved by the Town and the DoE. All such works shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plan; and*
- (xi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Brentham Street, dust, safety and any other appropriate matters, shall be submitted to and approved by the Town;*

*to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Lake, Seconded Cr Cohen

*That the recommendation be adopted subject to the report title, first paragraph of Officer Recommendation and clauses (v)(c), (d) and (xii) being amended as follows:*

**"10.1.2 No. 16 (Lot 28) Brentham Street, Leederville - Proposed Part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings and Nineteen (19) ~~Two~~ Three-Storey Including Lofts Grouped Dwellings"**

*"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 BY AN ABSOLUTE MAJORITY the application submitted by W Tjhung on behalf of the owner Baymoon Holdings Pty Ltd for proposed Part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings and Nineteen (19) ~~Two~~ Three-Storey Including Lofts Grouped Dwellings, at No(s). 16 (Lot(s) 28) Brentham Street, Leederville, and as shown on revised plans stamp-dated 22 November 2004, subject to:"*

*"(v) (c) noise attenuation measures, such as double glazing of all openings on the northern elevation of the dwellings facing the northern boundary of the subject site; and*

*(v) (d) the preferred option in terms of site remediation being Option (1)/(A), however, the overall height of the development being a maximum of 9 metres above the natural ground level and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas;*

*(xii) prior to the ground floor footings and slab being poured, the applicant/owner shall submit documentary evidence to the satisfaction of the Town that the amount of fill is in accordance with the fill levels recommended by the Department of Environment and as approved in this approval;"*

*Debate ensued.*

*Moved Cr Doran-Wu, Seconded Cr Franchina*

*That the Item be DEFERRED for the applicant to consider moving the spa and barbecue outdoor area.*

*CARRIED (6-2)*

*For*

*Deputy Mayor – Cr Ker*

*Cr Cohen*

*Cr Doran-Wu*

*Cr Franchina*

*Cr Lake*

*Cr Torre*

*Against*

*Cr Chester*

*Cr Farrell*

*(Mayor Catania was absent from the Meeting.)*

*ADDITIONAL INFORMATION:*

*The fill proposed is approximately 500 millimetres. The main issue relates to the minimum level of fill and the maximum overall height of the development, which should be 9 metres when measured from natural ground level. As such, a condition is recommended that the fill level comply with the recommendation of the Department of Environment (DoE) and also ensure that the overall height of the proposal is a maximum 9 metres from natural ground level.*

*The proposed development is solely for residential purposes, therefore does not require a public art contribution, in terms of the Town's Policy relating to Percentage for Public Art.*

*The Department of Environment has advised that an asbestos warning barrier is a physical barrier of plastic or geotextile fabric, which would warn any persons who may excavate the site to stop digging and investigate further.*

*The proposed lofts comply with the proposed draft 60 per cent of floor area below loft requirement currently being developed by the Town's Officers for consideration by the Council.*

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<i>Landowner:</i>	<i>Baymoon Holdings Pty Ltd</i>
<i>Applicant:</i>	<i>W Tjhung</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Institutional Building</i>
<i>Use Class:</i>	<i>Multiple Dwelling &amp; Grouped Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>5150 square metres</i>

*BACKGROUND:*

*The above development proposal was presented to the Elected Members Forum on 17 August 2004. The site at some point in the past appeared to have been used as a rubbish dump.*

*DETAILS:*

*The site is the former premises of the WA Deaf Society. The proposal involves the proposed demolition of existing institutional building, alterations and additions to existing six (6) multiple dwellings, and construction of additional six (6) multiple dwellings and nineteen (19) two-storey including lofts grouped dwellings. The site is bounded by Aranmore Primary School to the north and parkland to the south and eastern sides. Due to the previous use of the site as a rubbish dump, a geotechnical report has been submitted, including an environmental assessment of the site.*

*The applicant has advised that both the geotechnical report and environmental assessment indicate that the soil under the site are of concern in regards to stability and level of contaminations, and recommended strongly that the site be treated in one of two options, as below:*

- (i) "The site to be filled with clean fill to a height of approximately 1 m.*
- (ii) The site to be excavated approx 1 m then backfilled with clean fill."*

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>R60 -30 dwellings (19 grouped dwellings and 11 multiple dwellings)</i>	<i>R 60.19 or 0.31 per cent density bonus( 31 dwellings -19 grouped dwellings and 12 multiple dwellings)</i>	<i>Supported- the matter is further discussed below.</i>
<i>Plot Ratio</i>	<i>If the site was developed completely as grouped dwellings, the plot ratio is 0.65 (or 3347.5 square metres), and if completely developed as multiple dwellings, the plot ratio is 0.70 (or 3605 square metres)</i>	<i>19 grouped dwellings and 12 multiple dwellings are proposed resulting in a plot ratio of 0.664 (or 3419 .6 square metres)</i>	<i>Supported- the increase in the plot ratio by 72.1 squares metres is considered minor in the context of the lot area of 5150 square metres. The bulk and scale have been evenly distributed and does not reflect an overdevelopment of the site.</i>
<i>Balconies, Units 4,5 and 6</i>	<i>Depth of 2 metres and area of 10 square metres</i>	<i>Depth of 1.7 metres and area of 9.35 square metres</i>	<i>Supported-as they are existing balconies.</i>
<i>Privacy Setback- Balconies</i>	<i>7.5 metres</i>	<i>1.8 to 2.5 metres to the eastern and southern boundaries.</i>	<i>Supported- as the balconies look into the park area to the east and south side of the above site.</i>
<i>Height of Wall</i>	<i>6 metres</i>	<i>7.8 metres for units 13, 20, 21 and 28</i>	<i>Supported- as the proposed fill has been reduced resulting in the overall development height being within 9 metres as required in the R Codes.</i>
<i>Setbacks: North elevation- Stores</i>	<i>"Nil" but wall height should be less than 3.5 metres</i>	<i>"Nil"-wall height 3.6 metres in a certain section</i>	<i>Supported- as the additional height will not unduly affect the amenity of the adjoining lot, which is the Aranmore Primary School.</i>
<i>North elevation- Outdoor area</i>	<i>1.5 metres</i>	<i>"Nil"-Greater than 0.5 metres above natural ground level.</i>	<i>Supported- as the additional height will not unduly affect the amenity of the adjoining lot, which is the Aranmore Primary School. The fence height will prevent any undue overlooking.</i>

<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>West elevation-Ground floor</i>	<i>4 metres</i>	<i>3.5 metres</i>	<i>Supported- the adjoining lot to the north is the Aranmore Primary School and to the south is a park. The reduced setback will not unduly impact the streetscape.</i>
<i>South elevation-Ground floor</i>	<i>5 metres</i>	<i>2.5 metres</i>	<i>Supported- as the adjoining lot is a park, and will not unduly impact on the amenity of the area. The reduced setback will contribute to interaction between the development and the park.</i>
<i>South elevation-Ground floor</i>	<i>3.4 metres</i>	<i>1 to 1.5 metres</i>	<i>Same as above</i>
<i>East elevation-Ground floor</i>	<i>5 metres</i>	<i>2.2 metres</i>	<i>Same as above</i>
<i>West elevation-First floor balcony</i>	<i>6 metres</i>	<i>4.6 metres</i>	<i>Supported- the adjoining lot to the north is the Aranmore Primary School and to the south is a park. The reduced setback will not unduly impact on the streetscape.</i>
<i>North elevation-First floor</i>	<i>4.9 metres</i>	<i>2.08 to 2.98 metres</i>	<i>Supported- as the reduced setback will not unduly affect the amenity of the adjoining lot, which is the Aranmore Primary School. All privacy related issues comply with the R Codes.</i>
<i>North elevation-First floor</i>	<i>2.97 metres</i>	<i>2.08 to 2.98 metres</i>	<i>Same as above</i>
<i>East elevation-First floor</i>	<i>9 metres</i>	<i>5 metres</i>	<i>Supported- as the adjoining lot is a park, and will not unduly impact the amenity of the area. The reduced setback will contribute to interaction between the development and the park.</i>

<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>East elevation-First floor</i>	<i>7.7 metres</i>	<i>1.8 to 2.245 metres</i>	<i>Same as above</i>
<i>South elevation-First floor</i>	<i>9 metres</i>	<i>5.3 metres</i>	<i>Same as above</i>
<i>South elevation-First floor</i>	<i>8.3 metres</i>	<i>2.1 metres</i>	<i>Same as above</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<i>The Department of Environment (DOE) has advised that the environmental and geotechnical reports “suggest that retention of the fill material on site would not pose significant risk to ground water quality.” The DoE also agreed with Option (i), as the preferred management choice of the site. Retention of fill will require a minimum of 1 metre clean soil over open areas and 0.5 metre over hardstand areas, with an appropriate asbestos warning barrier installed. It is further recommended that groundwater monitoring be carried out on an annual basis to ensure water quality and integrity of the underground infrastructure. If Option (i) is to be undertaken, upon the proclamation of the Contaminated Sites Act 2003, the site is likely to be classified as “Remediated for restricted use”. A memorial would be placed on the title and deeds to the above effect.</i>		<i>Supported and addressed via a condition in Officer Recommendation.</i>
<i>Comment (3)</i>	<i>Aranmore Principal has voiced concern to the applicant regarding the potential exposure of contaminated soil.</i>		<i>Noted and Option (i) is being action which involves fill to site, rather than excavation.</i>
	<i>Aranmore Principal has indicated to the applicant that the boundary walls on the northern side of the subject site was considered acceptable, and would enhance the visual and acoustics privacy between the school and the proposed development.</i>		<i>Noted- an appropriate condition is being imposed to ensure that the wall facing the northern boundary is finished and maintained in good and clean condition, including the incorporation of design features to break up the expanse of wall.</i>
	<i>Increase in traffic along Brentham Street including what measures are being taken to ensure safety and security of residents, school</i>		<i>Noted- Brentham Street is regarded as a Local Distributor Road</i>

<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>children, young people playing sport during the week-ends and speeding during late nights and early mornings?</i>	<i>(capable of up to 6000 vehicles per day).The traffic volumes along Brentham Street as a result of the above development will be 2793 vehicles per day. No additional traffic features are planned for Brentham Street as there are already speed humps in the vicinity of the Aranmore Primary School.</i>  <i>Speeding is a police matter and requires a separate follow-up by residents.</i>
<i>Objection (1)</i>		<i>Aranmore School Board has raised concern regarding bulk and scale of development.</i>  <i>May be conflict between potential buyers and school in the future.</i>  <i>Possibility of Year 4 students whose class room is located adjacent to spa and barbecue area being exposed to noise and inappropriate language.</i>  <i>Difficulties during construction time for school community in terms of traffic, safety to children, noise and dust.</i>  <i>Lack of enforcement by Town in terms of parking restrictions associated with previous development in the area.</i>	<i>Not Supported-as the height of the overall building and plot ratio complies with the R Codes.</i> <i>Not Supported-as the issue is not planning related.</i>  <i>Not Supported-as the issue is not planning related.</i>  <i>Noted- the applicants/owners will be required to submit a Management plans relating to the issues raised.</i>  <i>Not Supported- for past development, Town's rangers did enforce parking restrictions, including the issue of infringements. Parking restrictions will also be enforced for the proposed development.</i>

<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>Removal of trees.</i>		<i>Noted- a professional Aboriculturist has advised that the previous trees on the subject site were not worthy of retention and removal of the trees would have been warranted due to the trees not being structurally sound and unsafe.</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.*

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

#### *Residential Car Parking*

*Car parking requirements for the residential component of the development have been calculated using the requirement for grouped and multiple dwellings from the R Codes. A total of 61 car bays are required for the whole development, which is inclusive of 5 visitors' car bays. A total of 67 car bays have been provided.*

#### *Geotechnical Report*

*The Town's Technical Officers have recommended that Option (i) would be the preferred option for the site. The Town's Environmental Health Officers have advised support of the recommendations of the DoE. The proposed fill has been reduced to approximately 500 millimetres and is within the prescribed range recommended by the DoE for hard stand areas.*

#### *Partial Demolition*

*The above site is not on the Town's Municipal Heritage Inventory or Interim Heritage Database as such there is no objection to the building proposed to be demolished.*

#### *COMMENTS:*

*The proposed overshadowing from the above development would be on the parks area to the south of the site, and as such no overshadowing diagram is provided. The majority of the variations are considered to adequately address the relevant performance criteria in the R Codes and the Town's Policies.*

*Clause 40 of TPS No.1 allows the Council to consider variations, and determine whether the variations are likely to unduly affect any owners or occupiers. The proposal has also been advertised, and four submissions have been received. The variations sought are considered to not unduly affect the amenity of the area.*

*The proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters."*

**10.1.7 No. 108 (Lot 1) Edinboro Street, Mount Hawthorn – Window to Existing Single House (Application for Retrospective Approval)**

<b>Ward:</b>	North	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO2973; 00/33/2532
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Carter		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners GF & R Berettieri for an application for a Window to Existing Single House at No. 108 (Lot 1) Edinboro Street, Mount Hawthorn, and as shown on plans stamp-dated 11 October 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) the applicants/owners shall pay the outstanding fee, being \$300, for application for retrospective Planning Approval, within 14 days of the date of notification of this approval;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Franchina, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Franchina, Seconded Cr Torre**

*That clause (ii) be deleted.*

**AMENDMENT CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**MOTION AS AMENDED CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**COUNCIL DECISION ITEM 10.1.7**

*That in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners GF & R Berettieri for an application for a Window to Existing Single House at No. 108 (Lot 1) Edinboro Street, Mount Hawthorn, and as shown on plans stamp-dated 11 October 2004, subject to compliance with all relevant Environmental Health, Engineering and Building requirements.*

<b>Landowner:</b>	GF & R Berettieri
<b>Applicant:</b>	GF & R Berettieri
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	556 square metres
<b>Access to Right of Way</b>	N/A to subject window

**BACKGROUND:**

28 August 2002 Building Licence was issued for additions and alterations to the existing dwelling at the subject property. Condition 22 on this Building Licence states as follows:

*“To protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the proposed bedroom on the southern elevation shall be screened with a permanent obscure material to a minimum of 1.4 meters above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;”*

**DETAILS:**

The proposal involves an application for retrospective approval for a bedroom window of the existing house that is unobscured and openable. The applicant's submission is "Laid on the Table".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Privacy	Bedrooms windows setback 4.5 metres from boundary or suitably screened.	Bedroom windows 3.3 metres from southern boundary and not screened.	Supported-consent obtained from owner and tenant of affected property.
<b>Consultation Submissions</b>			
Support	The window was brought to the Town's attention through the southern affected neighbour. The affected neighbour however, has formally removed the objection to the window being unobscured and openable subject to the applicant removing objections to a planning application regarding a reduced side setback to the common boundary. The applicant has written to the Town stating that they remove their objections relating to the reduced side setback (which has since been approved by		Supported

	Council) and therefore it is understood that there are no objections to the window being unobscured and openable.	
Objection	N/A	N/A
<b>Other Implications</b>		
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 applicant has requested not to pay the full relevant application fees for retrospective approval (\$400 required, \$100 paid, \$300 outstanding). The applicant's comments are noted, however this matter has been conditioned accordingly in the Officer Recommendation.

In addition, the subject proposal is supported on the basis that consent has been granted by the owner and tenant of the adjacent affected property.

Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions.

**10.1.12 No. 284 (Lot 32) Charles Street, North Perth - Proposed Demolition of Existing Single House and Construction of Six (6) Two-Storey Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO1845; 00/33/2401
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M & N Vitale and Yarloop Holdings Pty Ltd for proposed Demolition of Existing Single House and Construction of Six (6) Two-Storey Grouped Dwellings, at No. 284 (Lot 32) Charles Street, North Perth, and as shown on plans stamp-dated 10 August 2004 (existing dwelling site plan), 30 November 2004 (site, floor and overshadowing plans) and 13 December 2004 (elevations), subject to:*

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Charles Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of the wall/fence to Charles Street may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) appropriate design features to reduce the visual impact. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:
  - (a) the landscaped garden beds in front (south) of units 1-6 being a maximum length of 1.0 metre from the garages to facilitate adequate manoeuvring;*
  - (b) the first floor of Unit 1 being setback a minimum of 6.0 metres to the main dwelling and 5.0 metres to the balcony from the Charles Street boundary, and**

- (c) *the maximum external wall height of the dwellings (projected above the eaves) being 6.0 metres from natural ground level and not approximately 6.0 metres as indicated on the plans.*

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

- (vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Charles Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (vii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
- (a) *the windows to bedroom 1 of units 2-6 on the north elevation on the first floor shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
- (b) *the north side of the balcony of unit 1 on the first floor shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level.*

*A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation be adopted subject to clauses (i) and (v) being amended and new clauses (viii) and (ix) being added as follows:*

- "(i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Charles Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of the wall/fence to Charles Street may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the landscaped garden beds in front (south) of units 1-6 being a maximum length of 1.0 metre from the garages to facilitate adequate manoeuvring;*
  - (b) *the first floor of Unit 1 being setback a minimum of 6.0 metres to the main dwelling and 5.0 metres to the balcony from the Charles Street boundary, and*
  - (c) *the maximum external wall height of the dwellings (projected above the eaves) being 6.0 metres and the maximum overall height to the top of the pitched roof being 9.0 metres, from natural ground level and not approximately 6.0 metres and 9.0 metres, respectively, as indicated on the plans.*

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

- (viii) *prior to the first occupation of the development, the full length and width of the right of way from Vine Street to the southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense; and*
- (ix) *a bond and/or bank guarantee for \$2,400 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;"*

Debate ensued.

Cr Franchina departed the Chamber at 8.40pm.

Moved Cr Chester, Seconded Cr Torre

*That clause (viii) be amended to read as follows:*

*"(viii) prior to the first occupation of the development, the full length and width of the right of way from Vine Street to the southern most boundary abutting the subject land shall be sealed, drained and paved with traffic management measures and sight distance issues resolved to Vine Street to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense; and"*

Debate ensued.

Cr Franchina returned to the Chamber at 8.43pm.

AMENDMENT CARRIED (6-0)

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**Moved Cr Ker, Seconded Cr Franchina**

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

*"(x) to clarification of the requirements of the Charles Street Planning Control area and implications for this particular development.*

**AMENDMENT CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**MOTION AS AMENDED CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**COUNCIL DECISION ITEM 10.1.12**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M & N Vitale and Yarloop Holdings Pty Ltd for proposed Demolition of Existing Single House and Construction of Six (6) Two-Storey Grouped Dwellings, at No. 284 (Lot 32) Charles Street, North Perth, and as shown on plans stamp-dated 10 August 2004 (existing dwelling site plan), 30 November 2004 (site, floor and overshadowing plans) and 13 December 2004 (elevations), subject to:*

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Charles Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of the wall/fence to Charles Street may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the landscaped garden beds in front (south) of units 1-6 being a maximum length of 1.0 metre from the garages to facilitate adequate manoeuvring;*
  - (b) *the first floor of Unit 1 being setback a minimum of 6.0 metres to the main dwelling and 5.0 metres to the balcony from the Charles Street boundary, and*
  - (c) *the maximum external wall height of the dwellings (projected above the eaves) being 6.0 metres and the maximum overall height to the top of the pitched roof being 9.0 metres, from natural ground level and not approximately 6.0 metres and 9.0 metres, respectively, as indicated on the plans.*

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

- (vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Charles Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (vii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
- (a) *the windows to bedroom 1 of units 2-6 on the north elevation on the first floor shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
  - (b) *the north side of the balcony of unit 1 on the first floor shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level.*

*A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (viii) *prior to the first occupation of the development, the full length and width of the right of way from Vine Street to the southern most boundary abutting the subject land shall be sealed, drained and paved with traffic management measures and sight distance issues resolved to Vine Street to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (ix) *a bond and/or bank guarantee for \$2,400 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence; and*

(x) *to clarification of the requirements of the Charles Street Planning Control area and implications for this particular development.*

*to the satisfaction of the Chief Executive Officer.*

<b>Landowner:</b>	M & N Vitale and Yarloop Holdings Pty Ltd
<b>Applicant:</b>	M & N Vitale and Yarloop Holdings Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1209 square metres
<b>Access to Right of Way</b>	East side, 3.0 metres wide, unsealed, privately- owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the demolition of existing single house and construction of six (6) two-storey grouped dwellings at the subject lot. The applicant's submission is "*Laid on the Table*"

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	7 dwellings -R 60	6 dwellings -R 49.63	Supported - no variation
Plot Ratio	0.65- 789.1 square metres	0.70 -849.5 square metres	Supported- considered minor in context of whole development and no undue impact on streetscape and neighbours in terms of bulk and scale.
Setbacks:			
Ground floor -East (Rear)	1.5 metres	1.24 metres (2.74 metres including half the width of the right of way)	Supported- compliant with acceptable performance criteria.
First floor -West (Front)	6 metres	4.0-5.2 metres to main façade and 2.5 metres to balcony.	Not supported - inconsistent with streetscape.
-East (Rear)	1.5 metres	1.24 meters (2.74 metres includes half the width of the right of way)	Supported- compliant with acceptable performance criteria.

Privacy	Balconies setback 7.5 metres from boundary or suitably screened.  Bedrooms setback 4.5 metres from boundary or suitably screened.	Unit 1- 3.4 metres from north boundary and not screened.  Bedroom 1 of Units 2-6 3.4 metres from north boundary and not screened.	Not Supported- undue impact on neighbour.
Vehicular Access	Access to on-site parking provided, where available, solely from a right of way.	Vehicular access from primary street and right of way.	Supported- crossover/driveway is existing and access from right of way will alleviate additional number of access points to/from Charles Street.
<b>Consultation Submissions</b>			
Support	N/A		N/A
Objection (3)	<ul style="list-style-type: none"> <li>• Overshadowing</li> <li>• Loss of outlook (due to units 5 and 6 covering whole eastern width of block)</li> <li>• Privacy (windows facing right of way)</li> <li>• Plot ratio</li> <li>• Setbacks</li> <li>• Privacy</li> </ul>		<p>Not Supported- objection relates to previous plans, amended plans are compliant and not considered to have an undue impact on neighbours.</p> <p>Not supported - amended plans has only one unit abutting the eastern boundary (ROW).</p> <p>Not supported - amended plans deletes subject windows.</p> <p>Not supported- see above.</p> <p>Not supported- see above.</p> <p>Supported- see above.</p>
<b>Other Implications</b>			
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.

**Demolition**

The existing dwelling at No.284 (Lot 32) Charles Street, North Perth, was most likely constructed in the late 1970s. No Heritage Assessment was deemed necessary for this property. It does not illustrate particular aesthetic or historic significance nor any other cultural heritage values. As such, it is considered the proposed demolition of the subject place is acceptable subject to standard conditions.

**COMMENTS:**

A similar application on the adjoining lot (No(s). 286-288 Charles Street) was recently approved with the front setback (first floor, Charles Street) being setback 6.0 metres to the main dwelling and a requirement that the balcony be setback 5.0 metres from Charles Street. Accordingly, this matter and the privacy variations have been conditioned accordingly in the Officer Recommendation.

In relation to the other variations sought by the applicant, these are not considered to have an undue impact on the amenity of the adjoining neighbours or the surrounding area and are considered supportable in light of the applicant addressing the majority of objections via a redesign of the proposal.

The proposal is therefore recommended for approval subject to standard and appropriate conditions.

**10.1.9 No. 130A (Lot 4084, Strata Lot No. 2) Eton Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO2727; 00/33/2471
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by The Rural Building Co T/A Residential Attitudes on behalf of the owner S Parnell & D Spivey for proposed Additional Two- Storey Grouped Dwelling to Existing Single House, at No. 130A (Lot 4084, Strata Lot No. 2) Eton Street, North Perth, and as shown on plans stamp-dated 15 September 2004 (site, floor, overshadowing, privacy and elevations plans) and 9 December 2004 (overshadowing plan), subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
  - (a) the north side of the balcony on the upper floor shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
  - (b) subject to first obtaining the consent of the owners of No. 132 Eton Street and Nos. 523 and 525 Charles Street, a screen fence with a minimum height of 2.1 metres and a maximum height of 2.4 metres shall be erected on the southern and eastern boundaries within the 6.0 metres cone of vision from the doors and windows (major openings) of the dining room and living room, as prescribed by the Residential Design Codes 2002; OR plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
  - (c) the provision of a enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres and an internal area of at least 4 square metres.*

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

- (iii) *subject to first obtaining the consent of the owners of No.130 Eton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 130 Eton Street in a good and clean condition;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Ker, Seconded Cr Lake**

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

- "(ii) (c) *the provision of a enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling or through the garage, with a minimum dimension of 1.5 metres and an internal area of at least 4 square metres."*

**AMENDMENT CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**MOTION AS AMENDED CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**COUNCIL DECISION ITEM 10.1.9**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by The Rural Building Co T/A Residential Attitudes on behalf of the owner S Parnell & D Spivey for proposed Additional Two- Storey Grouped Dwelling to Existing Single House, at No. 130A (Lot 4084, Strata Lot No. 2) Eton Street, North Perth, and as shown on plans stamp-dated 15 September 2004 (site, floor, overshadowing, privacy and elevations plans) and 9 December 2004 (overshadowing plan), subject to:*

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*

- (a) *the north side of the balcony on the upper floor shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (b) *subject to first obtaining the consent of the owners of No. 132 Eton Street and Nos. 523 and 525 Charles Street, a screen fence with a minimum height of 2.1 metres and a maximum height of 2.4 metres shall be erected on the southern and eastern boundaries within the 6.0 metres cone of vision from the doors and windows (major openings) of the dining room and living room, as prescribed by the Residential Design Codes 2002; OR plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
- (c) *the provision of a enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling or through the garage, with a minimum dimension of 1.5 metres and an internal area of at least 4 square metres.*

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

- (iii) *subject to first obtaining the consent of the owners of No.130 Eton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 130 Eton Street in a good and clean condition;*

*to the satisfaction of the Chief Executive Officer.*

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<b>Landowner:</b>	S Parnell & D Spivey
<b>Applicant:</b>	The Rural Building Co T/A Residential Attitudes
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	911 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves an additional two- storey grouped dwelling to existing single house. The subject property is in the Eton Locality and accordingly is being referred to Council for determination. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	4 dwellings R 30/40	2 dwellings R 22	Supported- no variation.
Plot Ratio	N/A	N/A	N/A
Setbacks: 1st Floor - West	1.8 metres	1.6 metres	Supported- minor variation.
Storage Area	Accessible from outside dwelling and an internal area of 4 sqm.	Storage area not accessible from outside dwelling and has area of 3.75 sqm.	Not supported- has been conditioned to comply.
Privacy-Cone of Vision Encroachment	Balconies setback 7.5 metres from boundary or suitably screened.  Rooms other than bedrooms setback 6.0 metres from boundary or suitably screened.	Balcony is setback 6 metres from north boundary and 4.8 metres to east boundary  Dining room is 1.5 metres (windows) and 2.5 metres (sliding door) to the east boundary and living room 4.85 metres (sliding door) to south boundary.	Not supported- has been conditioned to comply.
<b>Consultation Submissions</b>			
Support	N/A		N/A
Objection (1)	<ul style="list-style-type: none"> <li>Privacy</li> </ul>		Supported- refer to above
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

**COMMENTS:**

The proposal is not considered to unduly affect the amenity of the adjoining neighbours or the surrounding area in general, provided the privacy and stores requirements are complied with, and is recommended for approval subject to standard and appropriate conditions.

**10.1.25 Provision to Issue Pre-Paid Parking Permits for use in Stuart Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PKG0112
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the issue of twenty (20) Pre-Paid Parking Permits, for use by the staff of VDM (WA) Pty Ltd, in Stuart Street, Perth;*
- (ii) *APPROVES a monthly fee for the pre-paid parking permits of \$55.00 per calendar month, for VDM (WA) Pty Ltd, for use in Stuart Street, Perth; and*
- (iii) *REVIEWS the impact that the decision, on the availability of parking spaces at the end of a twelve (12) month period, and a report be submitted to the Ordinary Meeting of Council in early 2006.*

**Moved Cr Chester, Seconded Cr Torre**

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

- “(i) *APPROVES the issue of twenty (20) Pre-Paid Monthly Parking Permits, for use by the staff of VDM (WA) Pty Ltd, 4 Pre-Paid Monthly Parking Permits for use by artists attending Halverson Hall and 4 Pre-Paid Monthly Parking Permits for use by the staff of the Veterans Tennis Club, in the paid parking area of Stuart Street, Perth;”*

Debate ensued.

**CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**COUNCIL DECISION ITEM 10.1.25**

*That the Council;*

- (i) *APPROVES the issue of twenty (20) Pre-Paid Monthly Parking Permits, for use by the staff of VDM (WA) Pty Ltd, 4 Pre-Paid Monthly Parking Permits for use by artists attending Halverson Hall and 4 Pre-Paid Monthly Parking Permits for use by the staff of the Veterans Tennis Club, in the paid parking area of Stuart Street, Perth;*
- (ii) *APPROVES a monthly fee for the pre-paid parking permits of \$55.00 per calendar month, for VDM (WA) Pty Ltd, for use in Stuart Street, Perth; and*
- (iii) *REVIEWS the impact that the decision, on the availability of parking spaces at the end of a twelve (12) month period, and a report be submitted to the Ordinary Meeting of Council in early 2006.*

**DETAILS:**

Correspondence has been received from Van Der Meer Consulting, 41 Stuart Street, Perth, seeking the issue of concessional pre-paid parking permits for use in Stuart Street, Perth. Their assertion is based on the fact that their company, employing in excess of eighty (80) personnel, is the predominant user of the parking facilities in Stuart Street and that their staff are often required to remain at work until after dark. The staff, particularly the female staff, are concerned that they need to make a decision about whether to pay for their parking or compromise their personal safety by parking in the Town's Fitzgerald Street Car Park, at the rear of the Italian Club. It has been further suggested that, even if other businesses are developed in Stuart Street, van der Meer would continue to be the predominant user.

It is believed that van der Meer Consulting may have some justification in their request, but it is suggested that, since there are a total of 54 paid parking bays available every day, if the number of pre-paid permits issued to VDM (WA) Pty Ltd was limited to twenty (20), there would be limited impact on the continued availability of parking. This would provide a concession to a substantial ratepayer and would address their concerns about young female employees feeling unsafe when walking to their vehicles in the dark. By limiting the number of permits issued, it would also ensure that there would be sufficient paid parking bays left in Stuart Street to accommodate customers and other casual users.

It has been recommended that the impact of issuing these permits, on the availability of parking spaces, should be reviewed after a year and this will provide an opportunity to confirm the effectiveness of the measure.

It must be noted however, that this approval has the potential to set a precedent and it would be expected that other businesses in the Town may seek to obtain similar concessions.

**CONSULTATION/ADVERTISING:**

There is no need to advertise the above proposal.

**LEGAL/POLICY:**

There is no legal impediment to the above recommendation and Rangers would enforce the restrictions in the same way as they do for all other areas where pre-paid permits are used.

**STRATEGIC IMPLICATIONS:**

The above recommendation is in keeping with the Strategic Plan 2003 – 2008, at KRA 1.4(p), which states "*Develop a strategy for Parking Management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs*".

**FINANCIAL/BUDGET IMPLICATIONS:**

There are minimal financial implications associated with this report since, while the Town will receive a reduced payment for the parking bays, this payment will be received in advance of the service being utilised. Concessional Parking permits, for car parks that attract a similar hourly/daily parking fee, has been fixed at \$55.00 per month and it is suggested that the permits issued to VDM (WA) Pty Ltd should be similarly priced. This represents a substantial reduction in the cost of parking.

**COMMENTS:**

Since van der Meer Consultants are the predominant users of the parking facilities in Stuart Street, Perth, it is considered appropriate to afford a concession to the company. By only issuing twenty (20) permits, the impact on the availability of parking bays in Stuart Street, Perth, will be minimised and, if the proposal is reviewed after one year, adjustments can be made to make it more efficient and effective. The above is recommended for approval.

**10.4.9 Minutes of the Annual General Meeting of Electors held on  
13 December 2004**

<b>Ward:</b>	Both	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0009
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES and CONFIRMS the Minutes of the Annual General Meeting of Electors held at 6.00pm on Monday 13 December 2004, attached at Appendix 10.4.9;*
- (ii) *CONSIDERS the matters raised, which requires funding, as detailed in this report during the 2005/06 Budget process; and*
- (iii) *ENDORSES the proposed action comments of the various matters, as detailed in this report.*

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**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Lake, Seconded Cr Franchina**

*That the existing clause (iii) be deleted and new clauses (iii) and (v) be added as follows:*

- "(iii) SUPPORTS the motions as moved at the Annual General Meeting of Electors; and*
- (iv) REQUESTS the Chief Executive Officer report to Council by March 2005 on how the Town will engage with dog owners to determine their needs and develop a programme to meet the identified needs and promote responsible dog ownership within the Town."*

Debate ensued.

**AMENDMENT CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**MOTION AS AMENDED CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**COUNCIL DECISION ITEM 10.4.9**

*That the Council;*

- (i) *RECEIVES and CONFIRMS the Minutes of the Annual General Meeting of Electors held at 6.00pm on Monday 13 December 2004, attached at Appendix 10.4.9;*
- (ii) *CONSIDERS the matters raised, which requires funding, as detailed in this report during the 2005/06 Budget process;*
- (iii) *SUPPORTS the motions as moved at the Annual General Meeting of Electors; and*
- (iv) *REQUESTS the Chief Executive Officer report to Council by March 2005 on how the Town will engage with dog owners to determine their needs and develop a programme to meet the identified needs and promote responsible dog ownership within the Town.*

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**BACKGROUND:**

The Annual General Meeting of Electors of the Town of Vincent was held on Monday 13 December 2004 at 6.00pm. It was attended by twelve (12) Electors, as shown in the Attendance Register attached to the Minutes.

**DETAILS:**

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information. Under the Local Government Act 1995, Section 5.33, all decisions taken at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The Minutes are attached for the information of the Council. The following decisions were taken at that meeting.

1. Moved Dudley Maier of 51 Chatsworth Road, Highgate, Seconded Dan Caddy of 1 Eucla Street, Mt Hawthorn
  - (i) That the community:
    - (a) recognises and values the community building aspects of dog off-leash exercise areas and that this community building include a diverse range of residents.
    - (b) accepts that the most efficient use of parks and oval involves the sharing of those resources.
  - (ii) That the community requests the Town:
    - (a) formally recognises the value of the community building benefits of providing dog off-leash exercise areas;
    - (b) formally recognises and respects the needs of dog owners to have access to dog exercise areas;

- (c) engages dog owners within the Town to determine their needs;
- (d) develops a programme to meet those needs;
- (e) considers sufficient funds and resources to meet those needs and that such funds and resources should be on par with those allocated to various sporting groups and facilities; and
- (f) promotes and encourages responsible dog ownership within the Town.

CARRIED UNANIMOUSLY

CEO's Comment:

This motion contains a number of philosophical statements that do not require action by the Town's Administration.  
Part (ii) of the motion requires consideration of funding and it is appropriate that this matter be considered during the Budget process 2005/06.

2. Moved Shirley Benton of 41 Smith Street, Highgate, Seconded Dan Caddy of 1 Eucla Street, Mt Hawthorn

Requests that the Council re-affirms its support for the Vincent Vision 2024 as a means of determining the community's desires and aspirations for the Town and that the outcome of the Community Visioning process be truly reflected in the amended Town Planning Scheme

CARRIED UNANIMOUSLY

CEO's Comment:

This motion will be brought to the Council's attention at the conclusion of the Community Visioning process and when the Town Planning Scheme is being considered.

**CONSULTATION/ADVERTISING:**

Notice of the Annual General Meeting of Electors was advertised in a local newspaper ("Voice News") and "The West Australian" Newspaper. Notices were displayed on all notice boards. It was also displayed on the Town's website.

The Minutes are attached for the information of the Council.

**LEGAL/POLICY:**

The Local Government Act 1995 states;

- "5.27 (1) A general meeting of the electors of a district is to be held once every financial year.*
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year."*

“5.33 (1) *All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*

- (a) at the first ordinary meeting after that meeting; or*
- (b) at a special meeting called for that purpose,*

*whichever happens first.*

*(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”*

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no funds on the 2004/05 Budget to implement the matter raised at the meeting. This will need to be costed and considered during the draft 2005/06 Budget.

**COMMENTS:**

The various matters raised at the Annual General Meeting of Electors will be progressed and appropriate reports will be submitted to the Council.

**10.1.13 Nos. 103-105 (Lot 100) Oxford Street, Leederville - Proposed Demolition of Existing Building and Construction of Two-Storey Mixed Use Development Comprising Offices, Shops, Associated Undercroft Car Parking and Visual Feature**

<b>Ward:</b>	South	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	PRO0452; 00/33/2507
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Kailis on behalf of the owner GNTM Pty Ltd for proposed Demolition of Existing Building and Construction of Two-Storey Mixed Use Development Comprising Offices, Shops, Associated Undercroft Carparking and Visual Feature, at Nos. 103-105 (Lot 100) Oxford Street, Leederville, and as shown on plans stamp-dated 10 September 2004, subject to:*
- (a) *prior to the first occupation of the development, nine (9) class 1 or 2 and six (6) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
  - (b) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
  - (c) *a report by a suitably qualified and professional consultant detailing any necessary remedial measures to rectify any unsuitable soil and/or ground water contamination of the subject site to the satisfaction of the Town shall be submitted and approved prior to the issue of a Building Licence. All such measures and works shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense;*
  - (d) *car bay for people with disabilities within the undercroft area space be accessible during hours of operation of the businesses on site;*
  - (e) *prior to the issue of a Building Licence, designs for art works valued at a minimum of 1 per cent of the estimated total cost of the development, (\$35,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (f) prior to the first occupation of the development, the full length and width Macs Lane from Leederville Parade to the southern boundary abutting the subject land shall be sealed, drained and paved to the specifications of, and under the supervision of, the Town, at the applicant's/owner(s)' full expense;*
- (g) prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
  - (1) replacement of the existing chain link fence with a wall or fence along the boundary shared by the Water Corporation Drainage Reserve and Lot 100, within 1 month of redevelopment, and there is to be no pedestrian or motor vehicle access across this boundary; or alternative arrangements to the satisfaction of the Water Corporation and the Town;*
  - (2) details, including material, colour and dimensions, of proposed visual feature on the north-west corner of the site; and*
  - (3) the proposed security roller door to the undercroft car park being a minimum 50 percent visually permeable when viewed from the street.*

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

- (h) 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;*
- (i) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$71,700 for the equivalent value of 28.68 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (j) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (k) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (l) subject to first obtaining the consent of the owners of adjoining Nos. 99-101 Oxford Street, Lot 36 (the Town) and the Water Corporation Drainage Reserve for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 99-101 Oxford Street, Lot 36 and Water Corporation Drainage Reserve in a good and clean condition;*
- (m) the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Oxford Street;*

- (n) a detailed management plan that addresses the control of noise, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*
- (o) the Western Power transformer being incorporated within the development site or alternative arrangements to the satisfaction of the Town and Western Power;*
- (p) an archival documented record of the place (including a written history of the shop, photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (q) no services shall be located on the adjoining Lot 36 nor the Water Corporation Drainage Reserve, unless approved by the relevant authorities. The Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
- (r) the gross floor area of the retail shops shall not exceed 811 square metres and the office area shall not exceed 1265 square metres of gross floor area;*
- (s) ground floor doors, windows and adjacent floor areas fronting Oxford Street, Lot 36 and the Water Corporation Drainage Reserve shall maintain an active and interactive relationship to Oxford Street, Lot 36 and the Water Corporation Drainage Reserve;*
- (t) prior to the first occupation of the development, representation of the former building and its uses shall be demonstrated in the following ways:*

  - (1) the placement of a plaque in or on the wall of the building facing Oxford Street with the following words: "This land was the site of Mac's Joinery Works for 31 years from 1947 to 1973. Part of the land was later purchased for the Mitchell Freeway construction. Prior to 1947 the land was cultivated as Chinese market gardens" at a height of between 1227millimetres and 1709millimetres in plain style lettering in contrast to the background;*
  - (2) an acknowledgement on the wall of the building facing Oxford Street with the following wording formed in the wall: "Macs Joinery Works Est.1947", and*
  - (3) the existing façade and shop front shall be acknowledged physically in the proposed new development by being inscribed in plan in the floor of the development by means of the 3 millimetres brass strip cut into the floor slab or similar distinguishing feature. Where that strip is to be covered by subsequent floor finishes, its profile shall be reflected in the final changes, such as by change of colour or texture.*

*Details of the above representation shall be submitted to and approved by the Town, prior to the issue of a Building Licence;*

*to the satisfaction of the Chief Executive Officer; and*

- (ii) *the Council ADVISES the applicant/owners that they should liaise with the Water Corporation WA in relation to the Water Corporation's proposed plans to replace the main sewer adjacent to the above site, which may reduce the impact during the building stage of the above development.*
- 

**Moved Cr Chester, Seconded Cr Franchina**

*That the recommendation be adopted subject to new clauses (i)(g)(4) and (5) being added as follows:*

- "(i) (g) (4) *all exterior windows not being heavily tinted or have reflective glazing treatment; and*
- (5) *the proposed mesh grating on the western elevation of the undercroft car park being a minimum 50 percent visually permeable when viewed from the adjacent public spaces, namely Leederville Parade and The Avenue Car Park;"*

**CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**COUNCIL DECISION ITEM 10.1.13**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Kailis on behalf of the owner GNTM Pty Ltd for proposed Demolition of Existing Building and Construction of Two-Storey Mixed Use Development Comprising Offices, Shops, Associated Undercroft Carparking and Visual Feature, at Nos. 103-105 (Lot 100) Oxford Street, Leederville, and as shown on plans stamp-dated 10 September 2004, subject to:*
- (a) *prior to the first occupation of the development, nine (9) class 1 or 2 and six (6) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (b) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (c) *a report by a suitably qualified and professional consultant detailing any necessary remedial measures to rectify any unsuitable soil and/or ground water contamination of the subject site to the satisfaction of the Town shall be submitted and approved prior to the issue of a Building Licence. All such measures and works shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense;*
- (d) *car bay for people with disabilities within the undercroft area space be accessible during hours of operation of the businesses on site;*

- (e) *prior to the issue of a Building Licence, designs for art works valued at a minimum of 1 per cent of the estimated total cost of the development, (\$35,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (f) *prior to the first occupation of the development, the full length and width Macs Lane from Leederville Parade to the southern boundary abutting the subject land shall be sealed, drained and paved to the specifications of, and under the supervision of, the Town, at the applicant's/owner(s)' full expense;*
- (g) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
  - (1) *replacement of the existing chain link fence with a wall or fence along the boundary shared by the Water Corporation Drainage Reserve and Lot 100, within 1 month of redevelopment, and there is to be no pedestrian or motor vehicle access across this boundary; or alternative arrangements to the satisfaction of the Water Corporation and the Town;*
  - (2) *details, including material, colour and dimensions, of proposed visual feature on the north-west corner of the site;*
  - (3) *the proposed security roller door to the undercroft car park being a minimum 50 percent visually permeable when viewed from the street;*
  - (4) *all exterior windows not being heavily tinted or have reflective glazing treatment; and*
  - (5) *the proposed mesh grating on the western elevation of the undercroft car park being a minimum 50 percent visually permeable when viewed from the adjacent public spaces, namely Leederville Parade and The Avenue Car Park.*

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

- (h) *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;*
- (i) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$71,700 for the equivalent value of 28.68 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*

- (j) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (k) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (l) subject to first obtaining the consent of the owners of adjoining Nos. 99-101 Oxford Street, Lot 36 (the Town) and the Water Corporation Drainage Reserve for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 99-101 Oxford Street, Lot 36 and Water Corporation Drainage Reserve in a good and clean condition;*
- (m) the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Oxford Street;*
- (n) a detailed management plan that addresses the control of noise, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*
- (o) the Western Power transformer being incorporated within the development site or alternative arrangements to the satisfaction of the Town and Western Power;*
- (p) an archival documented record of the place (including a written history of the shop, photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (q) no services shall be located on the adjoining Lot 36 nor the Water Corporation Drainage Reserve, unless approved by the relevant authorities. The Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
- (r) the gross floor area of the retail shops shall not exceed 811 square metres and the office area shall not exceed 1265 square metres of gross floor area;*
- (s) ground floor doors, windows and adjacent floor areas fronting Oxford Street, Lot 36 and the Water Corporation Drainage Reserve shall maintain an active and interactive relationship to Oxford Street, Lot 36 and the Water Corporation Drainage Reserve;*

(i) *prior to the first occupation of the development, representation of the former building and its uses shall be demonstrated in the following ways:*

- (1) *the placement of a plaque in or on the wall of the building facing Oxford Street with the following words: "This land was the site of Mac's Joinery Works for 31 years from 1947 to 1973. Part of the land was later purchased for the Mitchell Freeway construction. Prior to 1947 the land was cultivated as Chinese market gardens" at a height of between 1227millimetres and 1709millimetres in plain style lettering in contrast to the background;*
- (2) *an acknowledgement on the wall of the building facing Oxford Street with the following wording formed in the wall: "Macs Joinery Works Est.1947", and*
- (3) *the existing façade and shop front shall be acknowledged physically in the proposed new development by being inscribed in plan in the floor of the development by means of the 3 millimetres brass strip cut into the floor slab or similar distinguishing feature. Where that strip is to be covered by subsequent floor finishes, its profile shall be reflected in the final changes, such as by change of colour or texture.*

*Details of the above representation shall be submitted to and approved by the Town, prior to the issue of a Building Licence;*

*to the satisfaction of the Chief Executive Officer; and*

(ii) *the Council ADVISES the applicant/owners that they should liaise with the Water Corporation WA in relation to the Water Corporation's proposed plans to replace the main sewer adjacent to the above site, which may reduce the impact during the building stage of the above development.*

<b>Landowner:</b>	GNTM Pty Ltd
<b>Applicant:</b>	T Kailis
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Shop and light industry (auto-repair and recycling services)
<b>Use Class:</b>	Office and Shop
<b>Use Classification:</b>	"P"&"P"
<b>Lot Area:</b>	1776 square metres
<b>Access to Right of Way</b>	N/A

#### **BACKGROUND:**

The Town has considered various planning applications for commercial and mixed used developments at the above site. The most recent application was considered and conditionally approved at the Ordinary Meeting of Council on 11 March 2003 for a three-storey with basement, mixed use development including fifteen (15) multiple dwellings, shops and eating house.

#### **Proposed Perth Main Sewer Diversion**

The Town's Officers have been advised that the Water Corporation are currently developing plans for a major upgrade of the Perth Main Sewer through the Leederville area. The Main Sewer, as is the Mounts Bay Main Drain, is currently located within the Water Corporation Reserve abutting the northern boundary of Lot 100. As the Main Sewer is reaching the end of its serviceable life, and while it is yet to be confirmed, the Water Corporation is considering

constructing a Main Sewer diversion along the length of Leederville Parade, with a tentative construction date of 2005/06. Water Corporation's Engineering Consultants have advised that it is impracticable to reconstruct the sewer within the existing reserve, particularly given that current sewer is to remain in service during the construction. It should be noted if and when this project eventuates the existing reserve will still be required to protect the Mounts Bay Main Drain.

However, the Water Corporation's forward planning does have implications for this development. On the basis that the development is approved, it is recommended that the applicant liaise with the Water Corporation as a priority as the Corporation has indicated that it may be prepared to bring some works forward to accommodate the development and reduce the impact during the building stage. It may also mean the existing sewerage easement running north-south through the site may not be required, removing a further development restriction on the property.

In respect of the Water Corporation's proposal to divert the Main Sewer, a report will be presented to Council in 2005 once the Town has received formal advice from the Water Corporation.

**DETAILS:**

The current proposal involves the construction of a two-storey mixed use development comprising ground floor retail, and offices on the first floor. The applicant also proposes an awning within the front setback area along Oxford Street and the Water Corporation Drainage Reserve to the north side, which is considered to enhance and contribute positively to the streetscape. Part of the development is over a Water Corporation sewer easement, which is located on the western side of the development site.

The applicant has advised that the location of the transformer is based on information received from Western Power via their electrical consultants. Further advise is that the transformer be incorporated into the development if the load exceeds 600 amps. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Front (East) Setback to Oxford Street	Nil	3.8 to 5 metres	Supported- as the additional setback would provide additional space for pedestrians and open up the area adjacent to the Drainage Reserve.
Side (North) Setback to Water Corporation Reserve	Nil	Nil to 4.6 metres	Supported- as the setback area would allow for additional pedestrian space so as to interface and compliment the Water Corporation Drainage Reserve, which has been budgeted by the Town to be landscaped.

Rear (South) Setback	9 metres	Nil	Supported-as compliance in this instance is not an effective use of land.
Side (West)	Nil	Nil to 600 millimetres	Supported-as the adjoining lot is the Town's car park. The piers would provide some visual relief as compared with a solid wall.
Landscaping	10 per cent	Nil	Supported - most of the developments along Oxford Street within the Precinct do not have landscaping, due to the scale and nature of the developments.
<b>Consultation Submissions</b>			
Support (1)	Strongly in favour of the development proceeding, as it is considered suitable for the site. It will improve the amenity of the area, and upgrade to the pedestrian walkway		Supported -as the use is considered an appropriate use in the area.
Objection	At the time of report preparation, no objection was received.		
<b>Other Implications</b>			
Legal/Policy		TPS 1 and associated Policies.	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	
<b>Car Parking</b>			
<b>Requirements as per Parking and Access Policy</b>		<b>Required</b>	
Total car parking required before adjustment factor (nearest whole number)			
Office-1 car bay per 50 square metres gross floor area (1265 square metres) = 25.3 car bays			
Retail- 1 car bay per 15 square metres of gross floor area (811 square metres) = 54.07 car bays		79 car bays	
Apply the adjustment factors.		(0.4896 )	
<ul style="list-style-type: none"> <li>▪ 0.80 (within 400 metres of a rail station)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces)</li> <li>▪ 0.90 (within District Centre Zone)</li> </ul>		38.68 car bays	
Minus Car parking provided on-site		10 car bays	
Resultant shortfall		28.68 car bays	
<b>Bicycle Parking Facilities</b>			
<b>Requirements</b>	<b>Required</b>	<b>Provided</b>	
<b>Office</b>			
1 per 200 (proposed 1265) square metres public area for employees (Class 1 or 2).	6.33 spaces	No bicycle parking shown on plans	
1 space per 750 (proposed 1265) square metres over 1000 square metres for visitors (Class 3).	1.69 spaces		

<b>Retail</b> 1 per 300 (proposed 811) square metres public area for employees (Class 1 or 2). 1 space per 200 (proposed 811) square metres over 1000 square metres for visitors (Class 3).	2.7 spaces 4.06 spaces	
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\* 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.

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of nine (9) class 1 or 2 and six (6) class 3 bicycle parking bays rounded to the nearest whole number. As such, an appropriate condition should be applied accordingly.

No end of trip facilities is required pursuant to the Town's Policy relating to Parking and Access.

**COMMENTS:**

**Demolition**

At the Ordinary Meeting of Council held on 12 February 2002, the Council supported the demolition of the building, and the conditions applied related to the representation of the former building and its uses. The relevant conditions are reapplied in this particular proposal.

**Transformer**

A condition has been recommended that the issue of the location of the transformer be further investigated and discussed with the applicant, owner, Town and Western Power in terms of locations.

**Car Parking**

The Town's Oxford Centre Study has identified the construction of a multi level car park at the existing Town owned car park on the west side of the above development site at some future stage.

At the Ordinary Meeting of Council held on 11 August 2003, the Council supported a development with a shortfall of 28.37 car bays, which was to be met as cash-in-lieu. A total of 10 car bays are proposed in the undercroft section for this proposal. The proposed shortfall of 28.68 car bays is supported, and cash -in-lieu is recommended for the shortfall.

The proposal and the variations sought are considered to not unduly affect the amenity of the area.

The upgrading of the streetscape that would be required as a part of the proposal would also greatly improve the streetscape and visual amenity of the area.

It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development.

**10.1.24 Progress Report No.6 - Municipal Heritage Inventory Review, "Publicity and Consultation Strategy - Pre Release Phase 1"**

<b>Ward:</b>	Both	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0098; PLA0113
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Wyatt		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) *RECEIVES the Progress Report No. 6 - Municipal Heritage Inventory Review, "Publicity and Consultation Strategy - Pre-Release Phase 1"; and*
- (ii) *APPROVES to proceed with the Pre-Release Phase 1 in January 2005.*

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**Moved** Cr Chester, **Seconded** Cr Ker

*That the recommendation be adopted subject to a new clause (iii) being added as follows:*

- "(iii) AUTHORISES the Chief Executive Officer to review the timeline for the release of the Draft Municipal Heritage Inventory for public consultation and comment (Phase 2 of the Publicity and Consultation Strategy), upon receipt of the outcome of the "Study of Heritage Listing and Property Values" currently being undertaken by the Australian Property Institute, and to submit a report for the Council's consideration at the earliest opportunity and in any case no later than April 2005."*

**CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**COUNCIL DECISION ITEM 10.1.24**

*That the Council:*

- (i) *RECEIVES the Progress Report No. 6 - Municipal Heritage Inventory Review, "Publicity and Consultation Strategy - Pre-Release Phase 1";*
- (ii) *APPROVES to proceed with the Pre-Release Phase 1 in January 2005; and*
- (iii) *AUTHORISES the Chief Executive Officer to review the timeline for the release of the Draft Municipal Heritage Inventory for public consultation and comment (Phase 2 of the Publicity and Consultation Strategy), upon receipt of the outcome of the "Study of Heritage Listing and Property Values" currently being undertaken by the Australian Property Institute, and to submit a report for the Council's consideration at the earliest opportunity and in any case no later than April 2005.*

### **ADDITIONAL INFORMATION:**

The Australian Property Institute was due to report the findings of the "*Study of Heritage Listing and Property Values*" by the end of December 2004. The Town's Heritage Officers have requested the Australian Property Institute to provide a revised timeline and reporting date, however it is unlikely that the findings will be available in the first quarter of 2005.

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### **BACKGROUND:**

This progress report follows on from:

- the report on the "**Town of Vincent Heritage Survey and Municipal Heritage Inventory Review Project**", which was presented to the Ordinary Meeting of Council held on 22 June 2002;
- a presentation by the Heritage Officers of the timeframe for the "**Publicity and Consultation Strategy**" at the Elected Members Forum held on 15 June 2004; and
- a presentation by the Heritage Officers on the content of the Pre Release Stage 1 of the "**Publicity and Consultation Strategy**" at the Elected Members Forum held on 19 November 2004.

### **DETAILS:**

- The objective of this report is to achieve a clear decision and approval for the timeframe and content of the Pre Release Publicity, Phase 1 of the "**Publicity and Consultation Strategy**". A Timeline and project profile is attached to this report.
- The purpose of the Pre Release Stage 1 is to provide *positive*, generic information about heritage management within the Town, prior to the release of the Draft MHI and period of public comment. This is to be achieved through:
  1. promotional newsletters;
  2. media articles;
  3. promotion and presentation of Building Design and Conservation Awards; and
  4. access to help and advice on general heritage matters through the internet and printed material.
- This approach was agreed to at the Ordinary Meeting of Council held on 11 June 2002.
- The presentation to the Elected Members Forums on 15 June and 19 November 2004 provided details of the "**Heritage Encouragements Pack**" which includes 6-8 DL brochures and internet access to general information and current MHI details, all of which is available in the public domain from a variety of sources. The brochures are as follows
  1. What is Heritage Conservation?
  2. Glossary of Heritage Terms.
  3. Our Heritage.
  4. What is the Heritage List?
  5. Researching and Conserving Your Heritage Place.
  6. Can I Develop My Heritage Place?
  7. How Can we Help? - Heritage Information and Conservation Incentives.
  8. Building Design and Conservation Awards 2005.

Examples of the brochures and their layout are "*Laid on the Table*" for information.

- A website is currently under construction and will be accessible via the Town of Vincent site. The purpose of this is to provide a direct link to heritage information affecting the Town. Prior to the release of the Draft MHI the information available on the site will be general and similar to the brochures, newsletter and media articles.

**CONSULTATION/ADVERTISING:**

Members of the Community were invited to join a Heritage Working Group as part of the Municipal Heritage Inventory Review in November 2000. The first stage of community consultation was completed by the consultant in 2001.

**LEGAL/POLICY:**

There is a legal requirement for the Town to review its Municipal Heritage Inventory and the "**Publicity and Consultation Strategy**" forms part of that review.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

The current 2004/2005 Budget lists \$20,000 for the Heritage Package and \$19,000 for the Building Design and Conservation Awards 2005. The costs of the information brochures, web design and media articles are within the agreed budget allocations, leaving sufficient funds to continue Phase 2 (Draft Release and Public Consultation, including affected owners) and 3 (Post Adoption).

**COMMENTS:**

The availability of information, advice and positive, "good news" stories is an important lead in to the release of the Draft Municipal Heritage Inventory and Public Consultation. It will help the community to make informed decisions and comment relating to heritage management. By starting the release of information in January 2005, sufficient time will be available to reach a wide a section of the community as possible prior to the release of the draft Municipal Heritage Inventory later in the year.

Mayor Catania advised that Cr Franchina had declared a financial interest in this Item. Cr Franchina departed the Chamber at 8.59pm and did not speak or vote on the matter.

**10.1.22 Progress Report No. 1 – Leederville Business District – Investigation of Funding Sources for Possible Public Infrastructure**

<b>Ward:</b>	South	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	PLA0147
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) RECEIVES the Progress Report No.1 relating to 'Leederville Business District - Investigation of Funding Sources for Possible Public Infrastructure'; and*
- (ii) NOTES that a further report relating to 'Leederville Business District - Investigation of Funding Sources for Possible Public Infrastructure', will be submitted to an Ordinary Meeting of Council to be held in June 2005.*

Moved Cr Chester, Seconded Cr Ker

*That the recommendation be adopted subject to new clauses (iii) and (iv) being added as follows:*

- “(iii) REQUESTS the Chief Executive Officer to submit a report for the Council’s further consideration at the earliest opportunity and in any case no later than February/March 2005 and for such report to:
  - (a) include all costings/indicative timelines and options for all recommendations identified in the Leederville Masterplan; and*
  - (b) link the Leederville Masterplan, the findings of the Notices of Motion of 13 July 2004 and the proposed Economic Development Plan Recommendations; and**
- (iv) CONSIDERS the matters referred to in (iii) above during the Council budget process 2005/06, and for these to be considered for inclusion in the Strategic Plan, Principal Activities Plan and draft Budget 2005/06.”*

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

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

- “(v) APPROVES the tender variation to include 4.9 of the Council's Leederville Masterplan Tender Brief.”*

**AMENDMENT CARRIED (5-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**MOTION AS AMENDED CARRIED (5-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting. Cr Franchina was absent from the Chamber and did not vote.)

Journalist Matt Zis left the meeting at 9.09pm.

**COUNCIL DECISION ITEM 10.1.22**

*That the Council;*

- (i) *RECEIVES the Progress Report No.1 relating to 'Leederville Business District - Investigation of Funding Sources for Possible Public Infrastructure'; and*
- (ii) *NOTES that a further report relating to 'Leederville Business District - Investigation of Funding Sources for Possible Public Infrastructure', will be submitted to an Ordinary Meeting of Council to be held in June 2005.*
- (iii) *REQUESTS the Chief Executive Officer to submit a report for the Council's further consideration at the earliest opportunity and in any case no later than February/March 2005 and for such report to:*
  - (c) *include all costings/indicative timelines and options for all recommendations identified in the Leederville Masterplan; and*
  - (d) *link the Leederville Masterplan, the findings of the Notices of Motion of 13 July 2004 and the proposed Economic Development Plan Recommendations;*
- (iv) *CONSIDERS the matters referred to in (iii) above during the Council budget process 2005/06, and for these to be considered for inclusion in the Strategic Plan, Principal Activities Plan and draft Budget 2005/06; and*
- (v) *APPROVES the tender variation to include 4.9 of the Council's Leederville Masterplan Tender Brief.*

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**BACKGROUND:**

- 18 September 2003 A meeting was held with the then Chairman of the Western Australian Planning Commission, Town of Vincent Elected Members, representatives of the Department for Planning and Infrastructure and Officers of the Town of Vincent to discuss the Western Australian Planning Commission's introduction of a \$500,000 budget allocation, to showcase demonstration proposals, which may include places of interest, redevelopment schemes, transport schemes and the like.
- 23 September 2003 The Council at its Ordinary Meeting resolved to produce a Masterplan for the Leederville area.
- 16 December 2003 The Council at its Ordinary Meeting endorsed the Project Brief for a Leederville Masterplan with amendments and approved a budget reallocation of \$50,000 to fund delivery of a Leederville Masterplan.

13 July 2004

The Council at its Ordinary Meeting resolved as follows:

*"That the Council AUTHORIZES the Chief Executive Officer to:-*

- (i) develop a preliminary Leederville Business Case identifying potential funding sources for the proposed upgrades to public infrastructure in the Leederville District Centre identified in the:-
  - (a) Oxford Centre Study; and*
  - (b) Leederville Masterplan;*in collaboration with, and consideration of funding opportunities identified in the preparation of the Leederville Masterplan. The Business Cases should prove the financial viability of the Leederville Masterplan and provide positive social, environmental and economic outcomes;*
- (ii) investigate the development contribution cost provisions within the City of Stirling Town Planning Scheme No. 38, the City of Cockburn Town Planning Scheme No 3 and the Subiaco Redevelopment Scheme and assess the benefit to the Town of having similar provisions in the Town's Town Planning Scheme with particular consideration of foreshadowed upgrades of public infrastructure in the Town's District Centres; and*
- (iii) submit a report on (ii) above for Council's consideration no later than October 2004;*
- (iv) submit a report on (i) above for Council's consideration in conjunction with the Leederville Masterplan as a fully integrated document;*
- (v) in relation to (i) and (ii) above, explore in detail the potential for public/private partnerships; and*
- (vi) seeks advice from the East Perth Redevelopment Authority in the preparation of the Business Case."*

23 November 2004

The Council at its Ordinary Meeting resolved as follows:

*"That the Council;*

- (i) RECEIVES the Progress Report No 1 on Investigation of Possible Mall Concepts and Wider Streets for Alfresco Dining for Oxford and Newcastle Streets, Leederville and Multi-Level Carparks;*
- (ii) NOTES the information provided by the Leederville Master Plan Consultants; and*
- (iii) NOTES that the Oxford Mall Working Group will meet again once the Leederville Masterplan has been adopted".*

#### **DETAILS:**

In a progress report dated 22 October 2004, the Leederville Masterplan Consultants advised the following in regard to the project:

*"We are working fairly intensively on the master plan now. We have completed a draft report for circulating within the consultant team, including recommendations. We are busily working away on plans and sketches and the like. We are also undertaking a review and will soon provide some advice on implementation. As I mentioned to the malls group, a draft will be with you in December. I am hoping to have it to you by the first week of December so that a comment period can follow.*

*The Master Plan builds on the positive achievements of the Oxford Centre Study 2000, responds to developments that have occurred in the past four years, deals with a number of issues that have arisen that will change the recommendations of the OCS 2000, and also updates some recommendations that arise from emerging opportunities. Some of these have emerged from Council's thinking (e.g. Leederville Parade site) and Community Visioning (Freeway/Oxford Street and Park interface). The recommendations are an evolution of the OCS 2000 study and not a revolution.*

*In terms of public consultation, We think that it has been done to death in many ways over the last four years. The Oxford Centre Study 2000 consulted widely, the Community Visioning provided yet another layer, and your own exhaustive efforts to engage the community through advertising and door knocking have achieved good results.*

*In our view the public is probably all consulted out. However, the community does need to be given the opportunity to see the adjusted vision for the study area. We believe that the best method of consultation at this stage is to let the stakeholders and community know that a draft master plan has been received and will be reviewed by Council. The notification could invite stakeholders to view the document in the library and to provide comments on a pre-printed form within a specified timeframe."*

The Council at its Ordinary Meeting held 23 November 2004 were presented with a report relating to the *"Investigation of Possible Mall Concepts and Wider Streets for Alfresco Dining for Oxford and Newcastle Streets, Leederville and Multi-Level Carparks"* where the following was advised in relation to investigating stakeholder involvement and assessment of the above:

*"Stake Holder Involvement / Assessment*

*Members felt there was no need to contact the various stakeholders until there was a clearer idea of where the proposal was going. The State Government's "Dialogue with the City" Communities Program of funding grants was commenced in May 2004. An application for funding for the Community Visioning Project was submitted in July 2004 and to date, successful funding grants have not been decided. Round 2 of the program targets area strategies, urban design projects and capital works, of which the Leederville Masterplan would fall within. Round 2 has not commenced, however, advice from the Department for Planning and Infrastructure is that this would be likely to occur in March 2005. It was indicated that other grants can be applied for from the Safer Community Program.*

*Given the lack of participation by business owners at the Leederville/Oxford, Mount Hawthorn and Brisbane/William Streets workshops in Community Visioning process, it is intended that breakfast meetings will be held with business owners from February 2005 to ensure effective representation of these groups in the Visioning process."*

The status of the Community Visioning project is programmed to be the subject of a separate report on this Agenda.

**LEGAL/POLICY:**

Nil.

### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area One: Environment and Infrastructure.

*"1.3 Develop, implement and promote sustainable urban design..."*

### **FINANCIAL IMPLICATIONS:**

The Council at its Ordinary Meeting held on 16 December 2003 authorised a budget reallocation of \$50,000 from the Town Planning Scheme Amendments and Policies Account to fund the delivery of a Leederville Masterplan.

The Council at its Ordinary Meeting held on 23 November 2004 authorised a budget reallocation of \$11,800 from the Leederville Masterplan account to partially fund Community Visioning.

### **COMMENTS:**

#### **Leederville Business Case (and Funding Sources)**

The Department for Planning and Infrastructure (DPI) via its Dialogue with the City Program includes two rounds of funding categories. The first round, dedicated to community consultation, was announced in May 2004 and the Town's Community Visioning funding application, at the time of writing this report, has not been decided. Consequently, opening of the second round, for area strategies, urban design reviews/advice, design development, capital works, studies and research projects, has not been announced. The DPI have advised that opening of this category will commence after the conclusion of Round 1 (approximately March 2005).

The Town has completed a funding application form for round 2 for the Leederville Masterplan and this will be forwarded to the DPI upon its initiation. Given the Leederville Masterplan has not been completed, further funding options have not been investigated.

#### **Leederville Masterplan Costings**

The Consultants were contacted with regard to costing of implementing the Masterplan recommendations. In response, the Consultants advised: *"When we get to the end, we can arrange for costing. I think it would be best to leave costing until the final version of the report so that we cost an agreed plan and do the costing once."*

The Consultant team leader indicated that a 'ball park figure' for this type of 'costing work' would be \$2,500 - \$3,000, and quotes would be obtained once the final report is available.

The 'costing work' does not form part of the Consultant's Brief, and this work will require a formal variation to the Brief.

The Consultants also advised that *"We are still aiming to have the first draft to you this month... We will still complete the draft before Christmas, but it is likely to be very close to the Christmas break. The current position is that all the text has been drafted and needs a traffic tick off, and we have a number of drawings to complete."*

#### **Development Contribution Scheme Research**

To date, research into development contribution costs provisions of other local governments and development authorities has not been substantially progressed given the Leederville Masterplan Project Manager has also been extensively engaged in the Community Visioning project.

In view of the above and in light of the Consultant's advice regarding costings and that a draft report on the Leederville Masterplan has not been received by the Town as at 13 December 2004, it is considered appropriate that further investigations regarding the matters outlined in the Notice of Motion adopted by the Council at its Ordinary Meeting held 13 July 2004, be further deferred until after the Leederville Masterplan has been adopted. It is anticipated that the investigation of the matters outlined above will be finalised and the outcomes reported for Council's consideration in June 2005.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina was already absent from the Chamber.

**10.1.26 Re-introduction of Residential Parking Restrictions in the Area Surrounding Members Equity Stadium for 2005/2006**

Ward:	South	Date:	13 December 2004
Precinct:	Beaufort; P13	File Ref:	RES0040
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:		Amended by:	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the Parking Management Plan 2005/06, as shown as an attachment; and*
- (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 Parry, Lord, Harold, Beaufort, Greenway and Stirling Streets and including:*
- *Grant Street*
  - *Baker Avenue;*
  - *Lane Street; and*
  - *Wade Street,*

*but excluding:*

- *Stirling Street, between Brisbane Street and Parry Streets;*
- *Brisbane Street, between Beaufort and Bulwer Streets;*
- *Brewer and Parry Streets, between Stirling and Pier Streets;*
- *Dalmeny Street;*
- *Edward Street, between Stirling and Thorley Streets; and*
- *Pier Street, between Parry and Brewer Streets,*

*as shown on the attached Plan 2313-PP-1.*

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**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted subject to clause (ii) being amended and a new clause (iii) being inserted as follows:*

- "(ii) *APPROVES the implementation of a Residential Parking Zone, ~~operating at all times throughout the year~~ in the area surrounding Members Equity Stadium, roughly bounded by Parry, Lord, Harold, Beaufort, Mary, William, Brisbane and Beaufort Greenway and Stirling Streets, between 2.00pm and 10.00pm on the following dates:*

- 4 February 2005;
- 15 February 2005;
- 19 February 2005 (subject to an amended approval for this event from 10am to 11pm to 5pm to 10.30pm, otherwise it would be appropriate for the restrictions to operate from an earlier time);
- 265 February 2005\*;

*and including:*

- ~~Grant Street;~~
- ~~Baker Avenue;~~
- ~~Lane Street; and~~
- ~~Wade Street;~~

*but excluding:*

- *Stirling Street, between Brisbane Street and Parry Streets;*
- *Brisbane Street, between Beaufort and Bulwer Streets;*
- *Brewer and Parry Streets, between Stirling and ~~Pier~~ Thorley Streets;*
- *Dalmeny Street;*
- *Edward Street, between Stirling and ~~Thorley~~ Pier Streets;*
- *Pier Street, between Parry and Brewer Streets,*
- *North side of Brewer Street, between Lord Street and Pier Street; and*
- *Bulwer Street, between William and Lord Streets*
- *Parry Street, between Beaufort and Pier Streets*

*as shown on the attached Plan 2313-PP-1.*

(iii) RECONSIDERS the above restrictions, as part of the Beaufort Precinct Parking Plan, which is scheduled to be reported to the Council on 18 January 2005."

(\*NOTE: since the amendment was tabled it has been ascertained that the correct date is 25 February 2005.)

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

*That clause (i) be amended to read as follows:*

(i) APPROVES the Parking Management Plan 2005/06, as shown as an attachment subject to a new dot point being included under the heading "Background" on page 1 as follows:;

- reduce parking requirements of Stadium users by encouraging public transport usage."

AMENDMENT CARRIED (5-0)

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting. Cr Franchina was absent from the Chamber and did not vote.)

Debate ensued.

**Moved Cr Ker, Seconded Cr Torre**

*That clause (i) be amended to read as follows:*

*"(i) APPROVES the Parking Management Plan 2005/06, as shown as an attachment subject to:*

*(a) a new dot point being included under the heading "Background" on page 1 as follows:*

- reduce parking requirements of Stadium users by encouraging public transport usage; and*

*(b) a further report being received on outstanding items identified by Elected Members;"*

**AMENDMENT CARRIED (5-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting. Cr Franchina was absent from the Chamber and did not vote.)

Cr Torre departed the Chamber at 9.25pm.

Debate ensued.

At 9.26pm the Presiding Member advised that as there was no quorum there would be a 5 minute adjournment.

The meeting reconvened at 9.30pm with the following present:

Mayor Catania, Crs Chester, Ker, Lake, Torre, Chief Executive Officer – John Giorgi, Executive Manager Corporate Services, Acting Executive Manager Environmental and Development Services – Jim MacLean, Manager Planning and Building Services – Des Abel, Acting Executive Manager Technical Services – Craig Wilson, Minutes Secretary – Annie Smith and 1 member of the public.

Debate resumed on Item 10.1.26.

**MOTION AS AMENDED CARRIED (5-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.26**

*That the Council;*

*(i) APPROVES the Parking Management Plan 2005/06, as shown as an attachment subject to:*

*(a) a new dot point being included under the heading "Background" on page 1 as follows:*

- reduce parking requirements of Stadium users by encouraging public transport usage; and*

- (b) *a further report being received on outstanding items identified by Elected Members;*
- (ii) *APPROVES the implementation of a Residential Parking Zone, in the area surrounding Members Equity Stadium, roughly bounded by Parry, Lord, Harold, Beaufort, Mary, William, Brisbane and Beaufort Streets, between 2.00pm and 10.00pm on the following dates:*
- *4 February 2005;*
  - *15 February 2005;*
  - *19 February 2005 (subject to an amended approval for this event from 10am to 11pm to 5pm to 10.30pm, otherwise it would be appropriate for the restrictions to operate from an earlier time);*
  - *25 February 2005;*
- but excluding:*
- *Stirling Street, between Brisbane Street and Parry Streets;*
  - *Brisbane Street, between Beaufort and Bulwer Streets;*
  - *Brewer and Parry Streets, between Stirling and Thorley Streets;*
  - *Dalmeny Street;*
  - *Edward Street, between Stirling and Pier Streets;*
  - *Pier Street, between Parry and Brewer Streets,*
  - *North side of Brewer Street, between Lord Street and Pier Street; and*
  - *Bulwer Street, between William and Lord Streets*
  - *Parry Street, between Beaufort and Pier Streets*
- as shown on the attached Plan 2313-PP-1; and*
- (iii) *RECONSIDERS the above restrictions, as part of the Beaufort Precinct Parking Plan, which is scheduled to be reported to the Council on 18 January 2005."*

**ADDITIONAL INFORMATION:**

It is understood that there is a Perth Glory soccer game scheduled for 4 February 2005 and this will not require a Council approval, under the current licence agreement. There is a separate report in the current Agenda recommending that the Council considers approving the events, scheduled for 15 February and 19 February and it is further understood that a Western Australian Rugby League game has been arranged for 26 February 2005.

There have been a number of complaints from businesses in the area surrounding Members Equity Stadium, suggesting that if the Council approves the report, there will be no kerbside parking available, other than in those excluded streets and their staff and customers will be unable to park anywhere close to their businesses. If this report is approved, it will adversely impact on these businesses and a request has been made for further consideration to be made.

Given that much of the area, which is covered in this report, is the subject of a public consultation process which is currently being assessed by the Engineering Design Section, it is suggested that the previous recommendation be amended to enable the results of the consultation to be considered, before a decision is taken. However, to enable the residents of the area around Members Equity Stadium to be afforded the optimal service, it is appropriate for the recommended restrictions to be implemented, for the dates of events that are currently known to the Town of Vincent.

**BACKGROUND:**

Perth Oval has been used for soccer games since 1996 and parking problems have been reported by local residents and businesses each time a soccer game is played. As a result of the number of complaints from residents and business proprietors, the Town developed the boundaries for the "Residents Only" parking restrictions. The restrictions that were in place from 1999 to 2003/4, for National Soccer League games were for the area, roughly bounded by Parry Street, West Parade, Harold Street, William Street, Brisbane Street and Beaufort Street. However, as has been reported previously, the parking congestion in the area, roughly bounded by Beaufort, Mary, William and Lincoln Streets, is unlikely to be caused by events in Members Equity Stadium.

Perth Oval has been renamed Members Equity Stadium and the venue management responsibilities have been accepted by Allia Holdings, managing agents appointed by the Council, for this specific purpose. As part of the management responsibilities, Allia Holdings has made application for two (2) non-sporting events for the Stadium, a concert on Tuesday 15 February 2005, featuring Tom Jones and John Farnham and the Moonlight Music and Wine Festival, on Saturday 19 February 2005, featuring a number of high-profile artists.

**DETAILS:**

As a result of the application from Allia Holdings, it was considered appropriate to revisit the Residential Parking Restrictions that have been previously only implemented for Perth Glory Home games. This re-assessment has been undertaken in the knowledge that there is likely to be an appreciable increase in the number of events, both sporting and non-sporting, that are scheduled for Member's Equity Stadium in the coming years. The Australian Premier Soccer League is expected to commence in August 2005 and will include Perth Glory Soccer Club as one of the participants. Given that Members Equity Stadium is the venue, where the new Australian Rugby Union (ARU), Super 14s Rugby games are expected to be played, this will place a further requirement for restrictions to be in place for these games. Western Australian Rugby League has its headquarters at Members Equity Stadium and there is an application to play Rugby League games involving high profile teams for 25 February (3pm), 23 April (6pm), 10 September (6pm), 11 September (6pm) and 23 September (3pm).

Added to the above, even if only a few non-sporting events are approved for the Stadium, the result will be that the restrictions will be required for almost every week of the year. It is acknowledged that the restrictions may not be required for many weekdays, but as is the case for 15 February 2004, when a major even has been arranged for a Tuesday evening, it is suggested that this could be a regular occurrence. As a result, to ensure that the local residents are afforded a realistic level of service, it is considered appropriate to extend the dates, on which the Residential Restrictions will operate, to include the whole year, at all times. Where there is no need for these restrictions to be enforced, unless complaints are received about parking congestion, Rangers will not automatically patrol the area.

Allia Holdings have indicated that each of the events, for which application forms have been submitted, are expected to attract between 16,000 and 18,000 patrons – for the Tom Jones/John Farnham concert, patrons are expected to be predominantly in the 30 to 60 year old age-group and for the Moonlight Music and Wine Festival, patrons are expected to be of all ages.

While some streets in the area west of Beaufort Street have been excluded from the recommended restricted area, it is not suggested that they do not become congested. However, it is unlikely that this congestion can be associated with events at Members Equity Stadium and, for that reason, they have been excluded. The area west of Beaufort Street is currently being dealt with as part of the Beaufort Parking Plan, which has been the subject of a number of public meetings and Local Area Traffic Management Meetings.

Because there has not yet been an announcement about the new Australian Premier League Soccer Season, it is not possible to list the game-dates in this report. However, the above recommendation for all-times restrictions will ensure that, when the dates have been released, the impact on residents will be addressed.

When the Residential Parking Restrictions are implemented, it is suggested that it would be more appropriate to have residents apply for residential and visitor's parking permits, rather than simply delivering them to every household. This would ensure that permits are provided only to the households that need them and that the potential for misuse is minimised.

**LEGAL/POLICY:**

There are no legal impediments associated with this proposal and Rangers would enforce the Residential Parking Zones as they have done in previous years, for Perth Glory Soccer Club games.

**CONSULTATION/ADVERTISING:**

It is suggested that, in response to public demand, the Town has implemented similar Residential Parking Restrictions on a number of previous years and it is unlikely that the residents would reject their re-introduction. It is therefore considered unnecessary to undertake a consultation/survey to confirm this.

**STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the Town's Strategic Plan 2003-2008 Key Result Area 1.4(p) *"Develop a strategy for parking management in business, residential and mixed use precincts, that includes:*

- *parking facilities that are appropriate to public needs;*
- *protection of the rights of local residents to park in their streets where limited off road parking is available"*

**FINANCIAL/BUDGET IMPLICATIONS:**

There will be a need to extensively advertise the proposal over a number of weeks and this will have cost implications. There will also be a cost implication to amend the existing signage to include the dates on which non-sporting events are taking place. This has not been budgeted for and will require a re-allocation of funds at the next Budget Review.

**COMMENTS:**

It is believed that the Residential Parking Zone, as outlined above should be implemented and retained until the end of the Australian Premier League soccer season in early 2006, at which time, it can be reviewed to confirm that it is still appropriate. As a result, the above proposal is recommended for approval.

Cr Franchina returned to the Chamber at 9.31pm.

**10.1.29 Progress Report No. 3 – Community Visioning Project**

<b>Ward:</b>	Both	<b>Date:</b>	15 December 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0144
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 3 relating to the Community Visioning Project;*
- (ii) *APPROVES the completion of tasks for Stages 3, 4 and 5 of the Community Visioning Project as outlined in this report;*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY the distribution of 'Communities Program' funding from the Western Australian Planning Commission totalling \$40,000 (\$18,000 for the Community Visioning Project and \$21,200 to the Town Planning Scheme Amendments and Policies Project) as outlined in this report, subject to receipt of written confirmation from the Western Australian Planning Commission that this funding has been granted; and*
- (iv) *APPROVES of the Community Visioning Project time frame to be extended until 30 April 2005, to enable the tasks of States 3, 4 and 5 to be completed.*

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**COUNCIL DECISION ITEM 10.1.29**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED BY AN ABSOLUTE MAJORITY (6-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)**

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**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 September 2003 A presentation to the Elected Members on Community Visioning was given by Futurist and Planner Steven Ames.
- 7 October 2003 A Notice of Motion was passed by the Council relating to Community Visioning and authorising the CEO to invite representatives of the Hon. Minister for Planning and Infrastructure and the Department of Planning and Infrastructure to give a public presentation.

- 16 December 2003 The Council at its Ordinary Meeting endorsed the Project Brief relating to Community Visioning and authorised the Chief Executive Officer to call tenders for the delivery of a Community Visioning project.
- 24 February 2004 The Council at its Ordinary Meeting accepted the Tender submitted by Community Perspectives for the design, preparation and carrying out of a Community Visioning process.
- 23 November 2004 The Council at its Ordinary Meeting resolved the following with regard to Community Visioning:

*"That the Council:*

- (i) *RECEIVES the Progress Report No. 2 as at 19 November 2004 relating to the Community Visioning Project;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$19,485 to the Community Visioning Project and this be funded from the following; and*

<i>Item</i>	<i>Amount Required</i>	<i>Funding Source</i>	<i>Amount</i>	<i>Net Impact</i>
<i>Community Visioning</i>	<i>\$7,685</i>	<i>Car Park Strategy Implementation Yr 1 of 5</i>	<i>\$7,685</i>	<i>0</i>
<i>Community Visioning</i>	<i>\$11,800</i>	<i>Leederville Masterplan Account</i>	<i>\$11,800</i>	<i>0</i>

- (iii) *RECONSIDERS the additional items as outlined as Stage 3, 4 and 5 at the second meeting in December 2004 and the Town urgently contacts the Department for Planning and Infrastructure requesting a decision on the funding applied for."*

**DETAILS:**

The workshops and walks of interest were finalised on 4 December 2004. In accordance with the Council's resolution made at its Ordinary Meeting held 23 November 2004, further discussions have been held with the Consultant with a view to achieving a timely and fruitful completion of the project. The Consultant has advised of the following options relating to concluding the project.

*"The first option relating to concluding the project at the stage it is now, with a final project report to be prepared by the consultant would cost \$1,520. This report would include a summary of key findings from the work that has been undertaken to date.*

*The second cost option presented was to complete the project (total cost \$16,840). Costs identified were as per the original consultant's brief for (total \$7,060)....*

*This option also involved additional funds to cover one business breakfast forum (\$1,175), drafting overarching vision statements and the additional vision statements resulting from place based workshops (\$2,660) and the cost of advertising, promotion and catering (\$3,000). Also included in the additional funds was the cost to continue the work and involvement of the Community Visioning Taskforce (CVT) (\$1,995) and the Project Reference Group (\$950) in the development of the overarching vision statement, focus area vision statements, place based vision statements and community value statements.*

*The second cost option of completing the project has now been further considered and refined by council staff and the project consultant with the aim of developing the most effective way of completing the project..... Accordingly the following schedule of work is proposed:*

**Stage 3 – Creating the Vision**

*This stage is currently in the final phase of completion. One business breakfast forum is proposed to conclude efforts to engage the business community. Five meetings of the Community Visioning Taskforce (CVT) are proposed to develop the five place based vision statements and an allowance has been made to refine and prepare the final place based vision documents.*

*Rather than expending \$2,500 on the cost of Steven Ames facilitating a final community workshop, it is considered that this amount could be better utilised on developing the content of vision document by enhancing the level of work that the local professional panel undertakes. It is proposed that five place based professional panel sessions be undertaken to develop draft principles and design guidelines for each vision focus area, this will provide a framework for how the vision for the place area and focus areas can be achieved.*

*Another two meetings of the CVT are proposed to draft the overarching vision statement, focus area vision statements and community value statements and an allowance has also been made to cover refining and preparing the final vision document.*

**Stage 4 – Developing Action Plan**

*Based on the vision ideas generated throughout the project it is proposed that draft key actions be developed and presented to the Project Reference Group (PRG) and Community Visioning Taskforce (CVT) for input and consideration, after which a final action plan will be prepared.*

**Stage 5 – Monitoring and Evaluating**

*It is proposed that a framework be developed for monitoring and evaluating progress toward Vincent Vision 2024 and be presented to the PRG (Project Reference Group) and CVT (Community Visioning Taskforce) for input and consideration, after which this framework will be finalised.*

*A detail breakdown of costs (excluding GST) for the above schedule of work is provided below and this includes the cost of advertising, promotion and catering."*

<b>Task</b>	<b>Timeline</b>	<b>Cost</b>
<b>Stage 3 - Creating the Vision</b>	<b>Feb - March 2005</b>	
Project Reference Group meeting		\$190
1 Business Breakfast Forum (design, facilitate and report)		\$475
CVT meetings - 5 place based vision statements		\$760
Refine and report place based vision statements		\$760
Design, facilitate, report 5 place based professional panels - guidelines and principles		\$2,375
CVT meetings - overarching vision statement/vision focus areas/value statements		\$570
Refine and report overarching vision statement/vision focus areas/value statements		\$1,520
Liaison Project Manager and staff		\$285
		<b>\$6,935</b>

<b>Stage 4 - Developing Action Plan</b>	<b>March - mid April 2005</b>	
Draft key actions based on vision ideas, guidelines and principles		\$1,520
Project Reference Group meeting to consider input to key actions		\$190
CVT meeting to consider input to key actions		\$285
Liaison Project Manager and staff		\$285
		<b>\$2,280</b>
<b>Stage 5 - Monitoring and Evaluation</b>	<b>April 2005</b>	
Develop Mechanism for monitoring and evaluating progress toward Vincent Vision 2024		\$760
Project Reference Group meeting - consider and input		\$190
CVT meeting - consider and input		\$190
Revise monitoring and evaluation mechanism		\$380
Liaison Project Manager and staff		\$285
		<b>\$1,805</b>
<b>Total Consultants Costs</b>		<b>\$11,020</b>
<b>Associated Costs</b>		
Advertising, promotion and catering		\$3,000
Production of graphics		\$2,500
<b>Total</b>		<b>\$16,520</b>

The Department for Planning and Infrastructure has verbally indicated that the Town's funding application for an amount of \$40,000 under the 'Communities Program' of *Dialogue with the City* has been successful. The formal announcement of successful grantees by the Minister for Planning and Infrastructure and written confirmation of such is expected shortly.

#### **Distribution of Funds**

<b>Items</b>	<b>\$ Amount</b>
Stages 3, 4 and 5 (as above)	\$16,520
Additional Incurred Expenditure (promotion and marketing not previously included in 23/11/2004 Ordinary Meeting of Council Minutes)	\$2,280
Total	\$18,800
Remaining funding to be placed in the TPS Amendments and Policies Account (\$40,000 - \$18,800)	\$21,200

#### **LEGAL/POLICY:**

There is a legal requirement for the Town to commence a review of its Town Planning Scheme No.1 and bring this to completion as soon as practicable.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area One: Environment and Infrastructure.

*"1.3 Develop, implement and promote sustainable urban design..."*

#### **FINANCIAL IMPLICATIONS:**

The current 2004/2005 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies, and \$22,800 for a Community Visioning process.

The Council at its Ordinary Meeting held 23 November 2004 authorised a budget reallocation of \$19,485 from the Leederville Masterplan and Car Park Strategy Implementation (Year 1 of 5) accounts to partially fund Community Visioning.

**COMMENTS:**

It is considered that the Community Visioning Project, that is, completing stages 3, 4 and 5, can be satisfactorily completed by mid April 2005 in accordance with the table above. The project was initially due to be completed in December 2004, however this has been delayed due to an increase in the scope of the project as previously outlined, the Festive Season holidays and the Consultants' annual leave.

Given the funding grant is retrospective from the date of application (8 July 2004), it is considered prudent that the remaining funds be directed back into the Town Planning Scheme Amendments and Policies account from which monies required to support Community Visioning have been used.

Work on the review of the Town of Vincent Town Planning Scheme No. 1 and associated Policies should not formally commence until the Community Visioning process has been completed. This work is considered to be of a high priority however, it is noted that the Community Visioning project was commenced with the aim of guiding the review of Town Planning Scheme No.1. The project has been particularly well received by the community and in this respect, direct community contribution to the content of the new Scheme will be achieved by completing the project in accordance with the above.

### 10.2.1 Ormiston (Palmerston) House Interpretation Project

<b>Ward:</b>	South	<b>Date:</b>	7 December 2004
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO0692
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	C Wilson	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the Town's successful Lotterywest Grant submission for the interpretation of Ormiston House foundations at Robertson Park; and*
- (ii) *APPROVES the works as outlined on attached Plan Nos. 2314-PD-1 and 2176-LS-2 subject to ensuring the works comply with all conditions specified by the Heritage Council of WA and the Department of Indigenous Affairs, including but not limited to the preparation and implementation of an archaeological watching brief.*

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**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

---

**BACKGROUND:**

Each year Lotterywest provide nearly 50 million dollars for grants available to:-

- Not-for-Profit Organisations
- Local Government Authorities

The Town's Officers prepared a submission in June 2004 for an "Interpretation of Cultural Heritage Grant." The grant was specifically to provide funding towards the interpretation of the foundations of Ormiston (Palmerston) House, located in the North-Eastern corner of Robertson Park.

Lotterywest advised that the grant process would take around five months as external technical assessment for these grants was undertaken by Museums Australia W.A.

Ormiston House was the largest residence on the Robertson Park block. It was most likely constructed between 1882 and 1884 by Edward Keane and the block contained extensive gardens and orchards prior to being subdivided. Several of the original large trees (Moreton Bay fig) still remain on the site.

Ormiston House was representative of the many ambitious and wealthy investments made by people at the time of immense change to both the natural environment and urban living spaces of Perth. ~~It was likely to have been demolished with many of its associated outbuildings by the former City of Perth around the 1920's.~~ The property was purchased by the former City of Perth in 1965 for 15,000 pounds and the buildings were subsequently demolished and the land included in Robertson Park.

#### **DETAILS:**

The Town has recently been advised by the Minister for Government Enterprises, the Hon Nick Griffiths, that he has approved a recommendation from the Lotterywest Board for a grant of \$10,000.00 to the Town of Vincent for the interpretation of the Ormiston House foundations.

The interpretation of the former Ormiston (Palmerston) House involves the laying of limestone blocks to outline the extremities or 'footprint' of the house plan. Limestone blocks will be laid at existing ground level as per the attached plan.

Given the location, open parkland, this form of interpretation was deemed to be most appropriate from a maintenance perspective. Whilst a somewhat simplistic design and project, it will, with the aid of future interpretative signage, identify/recognise the history of the site.

The limestone block face, being clearly visible at ground level and crossing main access paths, will attract interest and encourage persons using the area to further investigate the structure, giving people an appreciation of the site's use, size and history.

Following many years of development and historical research, the Redevelopment of Robertson Park has been completed and the final design layout reflects many past uses of the park.

Ormiston House has been identified as an integral part of the area's history and the completion of the interpretation works using limestone block work will ensure that this historic structure is perpetuated for future generations to appreciate.

#### **CONSULTATION/ADVERTISING:**

The Robertson Park Improvement plan was widely advertised and consultation undertaken with numerous community groups. As part of the consultation process, various comments on the proposal were received and where possible many of the ideas were incorporated into the final design.

The matter of interpreting the foundations of Ormiston House was raised during the consultation process, however, due to budget restraints only the section of the foundation where it crossed the pathways was intended to be interpreted by use of another material such as brick paving.

Several options, including a garden and playground have been discussed over the years for the area where the house was originally constructed. However, the Robertson Park Working group considered that the foundation option was the most suitable, being virtually maintenance free and long lasting.

**LEGAL/POLICY:**

The Town obtained a Section 18 permit to undertake the redevelopment works at Robertson Park and this is valid until all the works, including the interpretation of Ormiston House, are completed on the site.

Fisher Research will again be engaged to coordinate aboriginal monitoring of the works and provide an archaeologist on site for one day, whilst trenching is in progress.

The proposal has also been forwarded to the Heritage Council of WA (HCWA) for their assessment and they have subsequently approved the works.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "c) *Continue to design and implement infrastructure improvements for public open space.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

As part of the Town's grant submission, quotations from suitably qualified contractors were sought. The most suitable contractor to undertake the works having completed other similar projects and provided the lowest quotation (\$14,000.00) was "Total Woodwork and Transformation".

The total cost of the works is \$16,500.00

• Supply & Installation of Limestone block work	\$ 14,000.00
• Aboriginal monitoring / Archaeologist	<u>\$ 2,500.00</u>
<b>Total</b>	<b>\$ 16,500.00</b>

Lotterywest are providing \$10,000.00 towards this project and the remaining funds will be sourced from the Robertson Park Redevelopment budget.

**COMMENTS:**

The Redevelopment of Robertson Park has now been completed and the Parks Services staff undertaking daily maintenance of the area have received an overwhelming positive response from patrons using the reserve.

The works, including the creation of a seasonal wetland, have significantly improved the general aesthetics and functionality of the reserve.

Robertson Park is of immense importance to the understanding of a changing City environment and completion of this project, together with future interpretative signage, is a critical element to understanding the picture and history of the park as a whole.

**10.2.4 Proposed Relocation of Bus Shelter**

<b>Ward:</b>	Both	<b>Date:</b>	14 December 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0028
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) RECEIVES the report on the proposed relocation of the Town's bus shelter from 282/286 Newcastle Street, Perth to 484 Beaufort Street, Highgate;*
- (ii) CONSULTS the adjacent Beaufort Street property and business owners potentially affected by the installation of the shelter prior to the works proceeding and on the basis any issues arising can be addressed to the satisfaction of all parties involved;*
- (iii) APPROVES the relocation of the shelter at a cost of \$2,000.00; and*
- (iv) WRITES to the Public Transport Authority seeking to recover the cost of the relocation for reasons outlined in the report.*

---

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Ker, Seconded Cr Franchina**

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

*"(v) WRITES to the Minister for Planning and Infrastructure expressing the Town's deep concern that a project to encourage long distance commuting by public transport (ie the Perth to Mandurah Railway) has resulted in a loss of public transport access for people in the inner suburbs – in apparent contradiction to some of the premises of the Government's 'Network City' proposals."*

**AMENDMENT CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**MOTION AS AMENDED CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**COUNCIL DECISION ITEM 10.2.4**

*That the Council;*

- (i) RECEIVES the report on the proposed relocation of the Town's bus shelter from 282/286 Newcastle Street, Perth to 484 Beaufort Street, Highgate;*
  - (ii) CONSULTS the adjacent Beaufort Street property and business owners potentially affected by the installation of the shelter prior to the works proceeding and on the basis any issues arising can be addressed to the satisfaction of all parties involved;*
  - (iii) APPROVES the relocation of the shelter at a cost of \$2,000.00;*
  - (iv) WRITES to the Public Transport Authority seeking to recover the cost of the relocation for reasons outlined in the report; and*
  - (v) WRITES to the Minister for Planning and Infrastructure expressing the Town's deep concern that a project to encourage long distance commuting by public transport (ie the Perth to Mandurah Railway) has resulted in a loss of public transport access for people in the inner suburbs – in apparent contradiction to some of the premises of the Government's 'Network City' proposals.*
- 

**BACKGROUND:**

In May 2004 the Town installed four (4) new bus shelters under the Public Transport Authority's (PTA) 2003/04 Bus Shelter Installation Grants Scheme.

One of the approved sites was adjacent to the backpackers hostel at 282/286 Newcastle Street, Perth, serviced by Transperth route No. 15.

In July 2004, at the direction of the PTA, the No. 15 service was re-routed to the city via Fitzgerald Street due to delays caused by works on the Southern Rail Project, and as a consequence there is no longer a bus service in Newcastle Street, between Fitzgerald Street and William Street. Further, the PTA has advised that the No. 15 service may not be reinstated to its former route at the conclusion of the rail project.

Consequently the shelter, installed at a cost of \$10,000 in May 2004, is redundant, and it is therefore proposed to relocate it to a suitable site adjacent to 484 Beaufort Street, Highgate.

**DETAILS:**

When applying for funding under the Bus Shelter Installation Grants Scheme, the PTA's formal submission process involved fulfilling a selection criteria, including nominating suitable sites and demonstrating a need for a shelter.

One of the sites nominated and subsequently approved by the Public Transport Authority (in 2003) was outside 282/286 Newcastle Street, Perth. The site, on the then Transperth route No. 15, was nominated on the basis it was immediately adjacent to two (2) large backpacker hostels and serviced a significant residential catchment area.

In July 2004 the Town was advised, that as a result of traffic congestion in the Perth Central Business District (CBD), a consequence of the Southern Rail Project works, the No. 15 was to be redirected to reduce passenger travel times.

For many years prior to July 2004, Route 15, Glendalough to Perth via Mt Hawthorn and Leederville, ran along Newcastle Street from Oxford Street to William Street, ultimately terminating at the Bus Port on the Esplanade. In July 2004 the route was subsequently changed so that the No. 15 terminates at the Wellington Street Bus Station via Fitzgerald Street.

Further, the PTA has indicated that the No. 15 service may not return to its original route at the conclusion of the Southern Rail Project works in the CBD. As a consequence, the bus shelter located at 282/286 Newcastle Street has become redundant.

Given the newness of the shelter and its uncertain future at its current location, it is proposed to relocate the shelter to an appropriate location with a demonstrated community need.

#### **484 Beaufort Street, Highgate**

The Town regularly receives telephone calls and correspondence from Seniors in the Highgate area requesting a bus shelter outside 484 Beaufort Street, city bound, immediately adjacent the intersection of Broome Street. To date this location has not been considered as the constraints of the site make it difficult to install a shelter without impinging upon the adjoining properties.

However, the narrow footprint of the Town's type 'JSc' bus shelter and the success of the same type shelter installed in Beaufort Street, near Harold Street, suggests that the shelter could be accommodated at this location.

#### **Costs**

Jason Sign Makers, the manufacture and installer of the shelters, has advised the cost to relocate the shelter, from Newcastle Street to Beaufort Street, to be in order of \$1,500, excluding pavement reinstatement which would be undertaken by the Town.

Given that the Town installed the Newcastle Street shelter in good faith, and the withdrawal of the No. 15 service from this section of Newcastle Street occurred without prior warning, it is proposed to seek to recover the cost of relocating the shelter from the PTA. To this end the Town has already written to the PTA, who have verbally advised that they would favourably consider the Town's claim.

#### **CONSULTATION/ADVERTISING:**

Consultation with adjacent property owners and/or business proprietors would be undertaken in accordance with Council Policy No. 4.1.21 "Community Consultation".

#### **STRATEGIC IMPLICATIONS:**

In accordance with the aims of Draft Strategic Plan 2002-2007 - Key Result Areas 1.4 "*Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment*".

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The direct cost to relocate the shelter is in the order of \$1,500.00, while the Town's in kind cost to reinstate the footpaths is approximately \$500.00. If approved, it is proposed to initially source the funds from the existing 2004/05 Bus Shelter Installation Program budget allocation, reimbursing the account when the costs are recouped from the PTA.

**COMMENTS:**

The PTA has informally advised the re-direction of the No. 15 Service is for a minimum period of two (2) years but in all likelihood will become permanent. Therefore, the existing bus shelter installed at 282/286 Newcastle Street, Perth, has become redundant.

The nominated alternate site adjacent 484 Beaufort Street, Highgate, is a well patronised bus stop for which a shelter would be an obvious enhancement. However given the constraints of the site it is proposed to closely consult with the adjacent property/business owners to ensure that the shelter can be accommodated without restricting or intruding upon their commercial activities.

**10.3.1 Timetable – Budget 2005/2006**

<b>Ward:</b>	Both	<b>Date:</b>	22 December 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the timetable for the 2005/2006 Budget as detailed below:*

<i>DATE</i>	<i>TOPIC</i>
<i>1-31 March</i>	<i>Budget briefing for Community input held</i>
<i>1-30 April</i>	<i>Executive Management Team (EMT) to review Budget input and prepare initial report</i>
<i>10 May</i>	<i>First draft to Elected Members issued</i>
<i>17 May</i>	<i>1<sup>st</sup> Budget briefing/Special Council Meeting</i>
<i>31 May</i>	<i>2<sup>nd</sup> Budget briefing/Special Council Meeting</i>
<i>1-2 June</i>	<i>Finalise budget documentation for public comment</i>
<i>3 June</i>	<i>Advertise for public comment</i>
<i>25 June</i>	<i>Public comment closes</i>
<i>25 June-5 July</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>6 July</i>	<i>Agenda report issued</i>
<i>12 July</i>	<i>Adoption of Annual Budget first Council meeting in July</i>

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted subject to a new clause (ii) being added as follows:*

*"(ii) NOTES that the Budget Briefing/Special Council Meetings will be open to the public."*

**CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**COUNCIL DECISION ITEM 10.3.1**

*That the Council;*

*(i) APPROVES the timetable for the 2005/2006 Budget as detailed below:*

<i>DATE</i>	<i>TOPIC</i>
<i>1-31 March</i>	<i>Budget briefing for Community input held</i>
<i>1-30 April</i>	<i>Executive Management Team (EMT) to review Budget input and prepare initial report</i>
<i>10 May</i>	<i>First draft to Elected Members issued</i>
<i>17 May</i>	<i>1<sup>st</sup> Budget briefing/Special Council Meeting</i>
<i>31 May</i>	<i>2<sup>nd</sup> Budget briefing/Special Council Meeting</i>
<i>1-2 June</i>	<i>Finalise budget documentation for public comment</i>
<i>3 June</i>	<i>Advertise for public comment</i>

<i>DATE</i>	<i>TOPIC</i>
<i>25 June</i>	<i>Public comment closes</i>
<i>25 June-5 July</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>6 July</i>	<i>Agenda report issued</i>
<i>12 July</i>	<i>Adoption of Annual Budget first Council meeting in July; and</i>

- (ii) *NOTES that the Budget Briefing/Special Council Meetings will be open to the public.*

---

**BACKGROUND:**

The Administration is about to commence preparation of the 2005/2006 Budget. It is the intention to adopt the 2005/2006 Budget at the first Council meeting on 12 July 2005. It is therefore important that the Council approves the timetable as outlined to ensure that the Budget is adopted on the proposed date.

**DETAILS:**

It is important that the Annual Budget links to the Town of Vincent adopted Strategic Plan and the Principal Activities Plan for 2005-2009 which will be prepared in January/February 2005. The timetable proposed allows for suitable community and Elected Members review. The Town of Vincent is one of a limited number of Councils that invites its community to comment on the Budget, prior to adoption.

The proposed Budget Timetable is outlined below:

<i>Date</i>	<i>Topic</i>
1-31 March	Budget briefing for Community input held
1-30 April	Executive Management Team (EMT) to review Budget input and prepare initial report
10 May	First draft to Elected Members issued
17 May	1 <sup>st</sup> Budget briefing/Special Council Meeting
31 May	2 <sup>nd</sup> Budget briefing/Special Council Meeting
1-2 June	Finalise budget documentation for public comment
3 June	Advertise for public comment
25 June	Public comment closes
25 June-5 July	Final Budget documentation and report for Council prepared
6 July	Agenda report issued
12 July	Adoption of Annual Budget first Council meeting in July

**CONSULTATION/ADVERTISING:**

The Draft Annual Budget is advertised for 21 days in accordance with the Community Consultation Policy.

**LEGAL/POLICY:**

The Annual Budget is prepared in accordance with the Local Government Act (1995) Section 6.2.

**STRATEGIC IMPLICATIONS:**

Draft Strategic Plan 2003-2008 – Key Result Area 4 – Governance and Management

4.2 *Deliver Services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*

4.2(d) *Ensure that processes comply with relevant legislation.*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**COMMENTS:**

To enable this timetable to be met it is important that both the Administration and the Council adheres to the deadlines identified in the timetable.

The Chief Executive Officer advised that Mayor Catania had declared a financial interest in this Item. Mayor Catania departed the Chamber at 9.38pm and did not speak or vote on the matter.

Deputy Mayor – Cr Ker assumed the Chair.

**10.3.2 Investment Report**

<b>Ward:</b>	-	<b>Date:</b>	10 December 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Forte		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 30 November 2004 as detailed in Appendix 10.3.2.*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting. Mayor Catania was absent from the Chamber and did not vote.)**

**BACKGROUND:**

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. Details are attached in Appendix 10.3.2. 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.

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 30 November 2004 were \$12,789,617 compared with \$14,300,617 at 31 October 2004. At 30 November 2003, \$11,715,963 was invested.

Total accrued interest earned on Investments as at 30 November 2004:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	135,546	45.18
Reserve	297,300	134,878	45.37

**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.

Mayor Catania returned to the Chamber at 9.39pm and assumed the Chair.

### 10.3.3 Debtor Write-Off

<b>Ward:</b>	-	<b>Date:</b>	6 December 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0007
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Bee Choo Tan		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY the write-off of the Library Debtors totalling \$937.85, as shown in Appendix 10.3.3, as being uncollectible.*

---

**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED BY AN ABSOLUTE MAJORITY (6-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)**

---

**BACKGROUND:**

The Council is currently carrying a number of library debtors which have been outstanding for over 7 years. In all of these instances the recovery will not be achievable and the cost involved in pursuing them through the legal recovery proceedings will be more than the debt therefore these debts are recommended for write off.

The above 30 debtors' owed money for unreturned books, these readers had moved on and cannot be contacted. The debts are over 7 years old and the cost of recovery will exceed the debt.

The debtors have been sent accounts and have had their library membership suspended as soon as the books are not returned within the specified time. The value listed in the total is the dollar value of the items at the time the books were taken out or the balance of the outstanding amount of the account.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area 3 - Strategies and Action Plans

*“3.4 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town.*

*a) Adopt policies and practices to promote appropriate investment”*

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENTS:**

It is prudent financial management to review outstanding debts prior to the end of financial year to ensure the organisation is not carrying debts that will not be recovered. It is disappointing to note the number of debts proposed for write off as the Town pursues its debtors vigorously and the vast majority respond to the Town's demands. However, the above mentioned debts are over 7 years have been deemed to be irrecoverable and are recommended for write off.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 9.40pm and did not speak or vote on the matter.

**10.4.2 Repeal of Town of Vincent Local Law Relating to Charles Street Building Line - By-Law No 62 (Building Line)**

<b>Ward:</b>	Both	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	Cleaver Precinct; P5 Smith's Lake Precinct; P6 North Perth Centre Precinct; P7 North Perth Precinct; P8 Hyde Park Precinct; P12 Beaufort Precinct; P13	<b>File Ref:</b>	LEG0035
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	A Smith, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *pursuant to Section 3.12 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY A SPECIAL MAJORITY to make the Town of Vincent Repeal of Local Law Relating to 'By-Law No. 62 (Building Line)' as follows;*

***"LOCAL GOVERNMENT ACT 1995 (as Amended)***

***TOWN OF VINCENT***

***REPEAL OF LOCAL LAW RELATING TO BY-LAW NO. 62 (BUILDING LINE)***

*Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Vincent resolved on ..... 2004 to make the following Local Law:*

*Repeal Local Law relating to 'By Law No. 62 (Building Line)', published in the Government Gazette on 15 June 1960.*

*Dated this day .....of .....2004 the seal of the Town of Vincent was hereunto affixed by authority of a resolution of the Council in the Presence of -*

***NICK CATANIA, JP Mayor  
JOHN GIORGI, JP Chief Executive Officer"***

- (ii) *the Local Law be published in the Government Gazette; and*
- (iv) *the Council ADVISES the Western Australian Planning Commission of Clauses (i) and (ii) above.*

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED BY A SPECIAL MAJORITY (5-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting. Cr Franchina was absent from the Chamber and did not vote.)**

---

**BACKGROUND:**

By-Law No. 62 (Building Line) was published in the Government Gazette on 15 June 1960. The By-Law (Local Law) was made under the provisions of the Municipal Corporations Act, 1906-1959 and the City of Perth Act, 1925-1956, and was numbered 62 for the provision of a new building line of 3.66 metres to be prescribed on each side of Charles Street between Roe Street and Walcott Street. Due to the restructuring of the City of Perth, it was considered appropriate that by-laws would be equally applicable to the Town of Vincent including, By-Law No. 62 (Building Line).

At the Ordinary Meeting of Council held on 12 October 2004 the Council resolved as follows:

*"That the Council;*

- (i) RECEIVES the report relating to the repeal of Town of Vincent Local Law relating to Charles Street Building Line - By-Law No. 62 (Building Line);*
- (ii) pursuant to Section 3.12 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY A SPECIAL MAJORITY to make the Town of Vincent Repeal of Local Law Relating to 'By-Law No. 62 (Building Line)' as follows;*

*"LOCAL GOVERNMENT ACT 1995 (as Amended)*

*TOWN OF VINCENT*

*REPEAL OF LOCAL LAW RELATING TO BY-LAW NO. 62 (BUILDING LINE)*

*Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Vincent resolved on ..... 2004 to make the following Local Law:*

*Repeal Local Law relating to 'By Law No. 62 (Building Line)', published in the Government Gazette on 15 June 1960.*

*Dated this day .....of .....2004 the seal of the Town of Vincent was hereunto affixed by authority of a resolution of the Council in the Presence of -*

*NICK CATANIA JP, Mayor  
JOHN GIORGI JP, Chief Executive Officer"*

- (iii) *ADVERTISES the proposed Local Law for statewide public comment for a period of six (6) weeks and the Council to consider any submissions received from the public. This advertising shall clearly state that the existing Local Law is being repealed as the Charles Street road widening is now addressed by Planning Control Area No. 54 under the control of the Department for Planning and Infrastructure ; and*
- (iv) *ADVISES the Western Australian Planning Commission of Clauses (i), (ii) and (iii) above."*

**CONSULTATION/ADVERTISING:**

The proposed repeal Local Law was advertised in accordance with the Council's Consultation Policy on a State-wide basis for a period of 6 weeks on 20 and 23 October 2004. At the close of the advertising period, no submissions had been received.

**LEGAL/POLICY:**

The Town of Vincent By-Law No. 62 (Building Line). The Local Government Act 1995 requires all local laws to be reviewed at periods not exceeding eight (8) years.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

It is considered that the statutory mechanisms of the PCA No. 54 pursuant to the Metropolitan Region Scheme Act 1959 more appropriately addresses the intent of By-Law No. 62 (Building Line); and repealing By-Law No. 62 (Building Line) is considered appropriate. Therefore, it is recommended that the Council makes a Local Law to repeal the subject Local Law, advertises the repeal Local Law and advises the WAPC of Council's decision.

**10.4.3 Town of Vincent Local Law Relating to Dogs - Proposed Amendment to Create a Specific Dog Exercise Area in Les Lilleyman Reserve**

Ward:	North	Date:	14 December 2004
Precinct:	P8	File Ref:	RES0001/LEG0009
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	J MacLean, A Smith		
Checked/Endorsed by:	R Boardman	Amended by:	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report to amend the:
  - (a) *Seventh Schedule of the Town’s Local Law Relating to Dogs to include a free dog exercise area on Les Lilleyman Reserve, that operates at all times;*
  - (b) *Eighth Schedule of the Town’s Local Law relating to Dogs, to change the description of “Les Lilleyman Reserve”, to reflect that a portion of the reserve, which was previously designated as a restricted dog free exercise area, has been re-designated as an unrestricted dog free exercise area;*
- (ii) *Pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Dogs as follows:*

**"LOCAL GOVERNMENT ACT 1995 (as amended)  
TOWN OF VINCENT LOCAL LAW RELATING TO DOGS  
AMENDMENT**

*In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on ..... 2004 to amend the principal Town of Vincent Local Law Relating to Dogs, published in the Government Gazette on 23 May 2000 and its amendment published in the Government Gazette on 5 December 2000 as follows:*

- 1. *the Seventh Schedule being amended as follows:*
  - (i) *by inserting in column 1, the word “7”; and*
  - (ii) *by inserting in column 2, the words “The south portion of Les Lilleyman Reserve bounded by Gill Street, to the south and the prolongation of the northern kerb-line of Woodstock Street, eastwards across Les Lilleyman Reserve ”*
- 2. *the Eighth Schedule being amended at item 3, by inserting in column 2, after the words “North Perth”, the words “Except that portion of the reserve roughly bounded by Gill Street, to the south and the prolongation of the northern kerb-line of Woodstock Street, eastwards across Les Lilleyman Reserve.”; and*

- (iii) *advertises the proposed amendment to the Local Law for State-wide public comment for a period of six (6) weeks and the Council to consider any submissions received from the public and providing any further recommendations considered appropriate.*
- 

**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Chester, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED BY A SPECIAL MAJORITY (5-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting. Cr Franchina was absent from the Chamber.)**

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**DETAILS:**

At the Ordinary Meeting of Council on 14 September 2004, Plan 2277-CP-1A (as shown in Appendix 10.4.3), showing a proposed 6,000 square metre portion of the reserve is proposed to be set aside as a dog exercise area.

To facilitate the creation of an unrestricted dog exercise area, it is necessary to add the proposed portion of the reserve to the Seventh Schedule and to annex the proposed portion of the reserve from the existing location description, in the Eighth Schedule of the Local Law.

**CONSULTATION/ADVERTISING:**

There is a statutory requirement for amendments to a Local Law to be advertised Statewide, seeking public comment on the proposed changes, indicating where and when the amendment may be viewed.

**LEGAL/POLICY:**

There will be no impediment to an amendment to the Local Law Relating to Dogs and the proposal complies with the Council decision on 14 September 2004.

**STRATEGIC IMPLICATIONS:**

The above is in keeping with KRA 2.5(f) of the Strategic Plan 2003 – 2008 “*Provide services for the control of animals within the Town*”.

**FINANCIAL/BUDGET IMPLICATIONS:**

Other than advertising costs, there will be no financial implications associated with this report.

**COMMENTS:**

This report ensures that the decision of the Council to approve an all-times dog free exercise area in Les Lilleyman Reserve can be implemented and enforced. It is recommended for approval.

**10.4.5 Adoption of Draft Prosecution and Enforcement Policies**

Ward:	-	Date:	14 December 2004
Precinct:	-	File Ref:	ORG0023
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of an Enforcement Policy - No 4.1.21 and a Prosecution Policy - No 4.1.22 as shown in Appendix 10.4.5; and*
- (ii) *All Policies to be advertised for public comment for a period of 21 days, and in the event that no public comment is received on a policy, that policy will automatically be incorporated into the Policy Manual, and in the event that public comment is received on a policy, that policy will be reported to Council for review.*

**Moved Cr Chester, Seconded Cr Ker**

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

*"(i) APPROVES of:*

*(a) an Enforcement Policy - No 4.1.21; and*

*(b) a Prosecution Policy - No 4.1.22 subject to page 3 being amended by adding the words "a report shall be prepared, specifying the reasons for such action" at the end of point (3) and by adding a new clause 8(v) on page 9 as follows:*

*"8(v) The CEO is to ensure that where a prosecution is to be instituted or not proceed with, a report shall be prepared specifying the reasons for such actions."*

*as shown in Appendix 10.4.5; and*

Cr Franchina returned to the Chamber at 9.42pm.

**CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**COUNCIL DECISION ITEM 10.4.5**

*That the Council;*

*(i) APPROVES of:*

*(a) an Enforcement Policy - No 4.1.21; and*

- (b) *a Prosecution Policy - No 4.1.22 subject to page 3 being amended by adding the words "a report shall be prepared, specifying the reasons for such action" at the end of point (3) and by adding a new clause 8(v) on page 9 as follows:*

*"8(v) The CEO is to ensure that where a prosecution is to be instituted or not proceed with, a report shall be prepared specifying the reasons for such actions.";*

*as shown in Appendix 10.4.5; and*

- (ii) *All Policies to be advertised for public comment for a period of 21 days, and in the event that no public comment is received on a policy, that policy will automatically be incorporated into the Policy Manual, and in the event that public comment is received on a policy, that policy will be reported to Council for review.*

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#### **BACKGROUND:**

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

The Council's Policy Manual has been reviewed over the previous twelve months. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. As the need arises, new policies will be included.

The Town of Vincent has a statutory role to enforce numerous Acts, Regulations and Local Laws. From time to time it appoints "authorised officers" to enforce these statutes (eg Rangers). It is considered appropriate to adopt a policy relating to enforcement of the statutes and also a policy to provide guidance for the instituting of prosecutions.

The Department of Public Prosecutions has published such policies and these have been used as a model, with minor changes to reflect the Town's circumstances.

#### **CONSULTATION/ADVERTISING:**

The Council has a policy of advertising for a period of 21 days seeking comments from the public. ~~However, as the proposed policy changes are relatively minor or of an administrative nature, it is recommended that this not be carried out, in this instance. This will provide costs savings to the Council.~~

#### **LEGAL/POLICY:**

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters. The Independent Organisational Review identified the need for the Town's Policy Manual to be reviewed (Recommendation Number 11).

The responsibility for enforcement of legislation on a day to day basis is undertaken by the Chief Executive Officer. The Council has delegated to the Chief Executive Officer the authority to initiate prosecutions of a general nature (eg parking infringements, dog attacks and like).

Prosecutions relating to Town Planning and development matters are reported to Council for approval prior to any action being undertaken by the Chief Executive Officer.

**STRATEGIC IMPLICATIONS:**

The use of policies in keeping with the Town's Strategic Plan 2003-2008 - Key Result Area Four - Governance and Management "*4.2(b) Review policies on governance and management*"

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The adoption of the proposed policies is considered "*best practice*" as it provides for accountability in decisions relating to enforcement and prosecutions.

**10.4.8 Adoption of Amended Strategic Plan 2003-2008**

<b>Ward:</b>	Both	<b>Date:</b>	13 December 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0038
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ADOPTS the Council's Strategic Plan 2003-2008 as amended at the workshop held on 11 December 2004 and shown in Appendix 10.4.8;*
- (ii) *USES the amended Strategic Plan as an Interim Plan for the period December 2004 until it is reviewed in mid to late 2005;*
- (iii) *NOTES that;*
  - (a) *indicative timelines, costings and budget implications for the amended Strategic Plan will be reported to the Council in February 2005; and*
  - (b) *the proposed amended Strategic Plan will not be advertised to the community due to the short duration until a major review is carried out and as the document is not significantly different in its content to the original Plan; and*
- (iv) *REVIEWS its Strategic Plan in mid to late 2005 and considers an amount of \$10,000 in the draft Budget 2005/06 for this matter.*

---

**Moved Cr Chester, Seconded Cr Torre**

*That the recommendation be adopted subject to clause amended to read as follows:*

- (i) *ADOPTS the Council's Strategic Plan 2003-2008 as amended at the workshop held on 11 December 2004 and shown in Appendix 10.4.8 subject to:*
  - (a) *Key Result Area 3 - Economic Development being amended as follows:*
    - (1) *clause 3.2(d) being amended to read as follows:*

*"3.2(d) Review, improve and formalise the business unit structure and investigate and implement options to ensure the financial performance of Beatty Park Leisure Centre is in keeping with "Best Practice" and the Council Business Plan;" and*
    - (2) *clauses 3.2(e) and (f) being renumbered to (f) and (g) respectively and a new clause 3.2(e) being added as follows:*

*"3.2(e) Complete the Feasibility Plan, investigate funding options and investigate and implement the refurbishment and redevelopment of Beatty Park Leisure Centre; and*

(b) Page 17 – deleting "complaints received about Council and Elected Members performance" and inserting "level of complaints".

CARRIED (6-0)

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

COUNCIL DECISION ITEM 10.4.8

*That the Council;*

(i) *ADOPTS the Council's Strategic Plan 2003-2008 as amended at the workshop held on 11 December 2004 and shown in Appendix 10.4.8 subject to:*

(a) *Key Result Area 3 - Economic Development being amended as follows:*

(1) *clause 3.2(d) being amended to read as follows:*

*"3.2(d) Review, improve and formalise the business unit structure and investigate and implement options to ensure the financial performance of Beatty Park Leisure Centre is in keeping with "Best Practice" and the Council Business Plan;" and*

(2) *clauses 3.2(e) and (f) being renumbered to (f) and (g) respectively and a new clause 3.2(e) being added as follows:*

*"3.2(e) Complete the Feasibility Plan, investigate funding options and investigate and implement the refurbishment and redevelopment of Beatty Park Leisure Centre; and*

(b) *Page 17 – deleting "complaints received about Council and Elected Members performance" and inserting "level of complaints";*

(ii) *USES the amended Strategic Plan as an Interim Plan for the period December 2004 until it is reviewed in mid to late 2005;*

(iii) *NOTES that;*

(a) *indicative timelines, costings and budget implications for the amended Strategic Plan will be reported to the Council in February 2005; and*

(b) *the proposed amended Strategic Plan will not be advertised to the community due to the short duration until a major review is carried out and as the document is not significantly different in its content to the original Plan; and*

(iv) *REVIEWS its Strategic Plan in mid to late 2005 and considers an amount of \$10,000 in the draft Budget 2005/06 for this matter.*

**BACKGROUND:**

At the Ordinary Meeting of Council held on 9 September 2003, the Council approved and adopted its Strategic Plan 2003-2008.

At the Ordinary Meeting of Council held on 26 October 2004, the Council resolved as follows:

*"That the Council;*

- (i) RECEIVES the progress report on the Strategic Plan 2003-2008 for the period 1 July 2004 – 30 September 2004 as shown in Appendix 10.4.5; and*
- (ii) REQUESTS the Chief Executive Officer to arrange a facilitator to conduct a session (comprising half to one day or equivalent hours) for the Elected Members, together with the Chief Executive Officer and Senior Staff, to review the Town's current Strategic Plan (specifically Key Result Areas strategies, action plans and timeframe) and this be conducted prior to 31 December 2004."*

Mr John Phillips of WALGA's Workplace Solutions, who was previously involved in the preparation of Key Performance Indicators (KPI's) during the CEO's Performance Review 2004 was engaged as the facilitator.

The CEO and Mr Phillips met prior to the Strategic Plan session and discussed the process, objectives and agenda.

The objectives were defined as follows:

To review the Town of Vincent's Strategic Plan Key Result Areas and priorities for 2005, in particular:

- Relevance of strategies and actions (ie completed, require updating etc);
- Clarity and meaning - aim for Elected Members and senior management to have a common understanding;
- Effectiveness and practicality of key performance indicators and timeframes;
- Impact on core programs and services of the local government, where appropriate.

The Agenda was given the following indicative timeline:

8.30 - 8.45am	Purpose and Objectives of the Workshop
8.45 - 9.30am	Key Result Area 1: Environment and Infrastructure
9.30 - 10.15am	Key Result Area 2: Community Development
10.15 - 10.30am	Break
10.30 - 11.00am	Key Result Area 3: Economic Development
11.00 - 12.00noon	Key Result Area 4: Governance and Management
12.00 - 12.45pm	Review and Next Steps
12.45pm	Light Lunch

The Strategic Planning Review workshop was attended as follows:

- Mayor Catania
- Councillors Ker, Chester, Cohen and Doran-Wu (departed midway of session)
- Leave of Absence - Councillors Lake and Executive Manager Technical Services
- Apologies - Councillors Farrell and Franchina
- Absent - Councillor Torre

Also present were the CEO, Executive Managers Environmental & Development Services and Corporate Services, and Acting Executive Manager Technical Services - Craig Wilson.

The workshop considered suggested amendments which were prepared by the CEO and circulated prior to the meeting. These were discussed, amended and added to.

**CONSULTATION/ADVERTISING:**

As the amended document has not substantially altered the strategic direction, it is not proposed to advertise the amended plan. In addition, the amended plan will be used for a period of approximately 6-7 months until a major review has been carried out.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

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

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

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of the facilitator for the review was approximately \$1,800 plus GST.

**COMMENTS:**

The review of the Council's Strategic Plan has removed action plans which have been completed, removed ambiguity, provided more clarity and introduced matters which have been previously approved by the Council.

Many action plans have also been amalgamated to reduce the size of the document.

The Elected Members present at the workshop considered the amended Strategic Plan will provide more benefit to the Council and the Town's administration until a major review is carried out after the May 2005 Elections.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 9.45pm and did not speak or vote on the matter.

**10.4.11 Members Equity Stadium, 310 Pier Street, Perth - Progress Report No. 2 Relating to Australian Rugby Union Super 14's**

<b>Ward:</b>	South	<b>Date:</b>	15 December 2004
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0072
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) **RECEIVES** the Progress Report No. 2 as at 15 December 2004 relating to Australian Rugby Union Super 14's at Members Equity Stadium, 310 Pier Street, Perth;

(ii) **NOTES** that;

(a) *the Australian Rugby Union Licence for Super 14's (2004) has been awarded to Perth; and*

(b) *the State Government of Western Australia has publicly announced that it will provide \$25 million for the upgrade of facilities at Members Equity Stadium (MES); and*

(iii) **CONDITIONALLY APPROVES;**

(a) *to ACCEPT the \$25 million for the upgrade of Members Equity Stadium subject to the Council receiving a further report on the proposed Financial Assistance Agreement (FAA) between the State Government of Western Australia and the Town; and*

(b) *the construction/upgrade of Members Equity Stadium, Stage 2 works, subject to the Council receiving a further report on the proposed details and plans as indicatively shown in Appendix 10.4.11, subject to a further report being submitted to the Council.*

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**COUNCIL DECISION ITEM 10.4.11**

**Moved** Cr Ker, **Seconded** Cr Torre

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (5-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**BACKGROUND:**

The purpose of this report is to provide information to the Council on the Australian Rugby Union (ARU) - Super 14's successful licence allocation to Perth.

At the Ordinary Meeting of Council held on 26 October 2004, the Council resolved as follows;

*"That the Council;*

- (i) RECEIVES the information relating to Australian Rugby Union Super 14's and Concert events at Members Equity Stadium, 310 Pier Street, Perth; and*
- (ii) AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to enter into any discussions which may arise with the Department of Sport and Recreation, West Australian Rugby Union, Allia Holdings Pty Ltd or other interested parties, concerning the possible use of Members Equity Stadium for the Australian Rugby Union Super 14's International Rugby Competition, and report progress of any discussions to the Council."*

On Friday 10 December 2004, the ARU allocated an additional licence to Perth to host a team in the ARU Super 14s Rugby Union Tri-Nation competition which involves Australia, New Zealand and South Africa. The competition starts in February 2006. It is envisaged that the new team will play at Subiaco Oval during 2006.

The State Government has recently announced that it will upgrade Members Equity Stadium (MES) which is considered the most suitable venue, as it has been specifically built for sports requiring a rectangular pitch (e.g. rugby, soccer, lacrosse, etc.). As Elected Members will be aware, the Stage 1 redevelopment involved a complete upgrade of all services and the construction of the pitch and surrounding viewing platforms. In order to comply, it will be necessary to construct a new grandstand on the eastern side and this will incorporate corporate suites, coteries, additional changerooms and seating. The actual size of this new grandstand would ultimately depend on the capacity specified by ARU. The current capacity of 18,500 will need to be increased to 22,500 or 25,000.

The estimated cost is approximately \$25 million. An indicative layout is shown in Plan No. 2169-DC-1C.

The Town's CEO previously attended one meeting with the Department of Sport and Recreation (DSR) and the Project Architects and has been briefed on the concept plan and costings. On 2 December 2004, Senior ARU officials arrived in Perth and as part of their visit, met with the Mayor and Chief Executive Officer. The purpose of the visit was to inspect MES, obtain further details and ascertain the suitability of the Town.

**Stage 2 - Indicative Timeline**

<b>Date</b>	<b>Item</b>
10 December 2004	<ul style="list-style-type: none"><li>• ARU decision for new Super 14's licence</li></ul>
21 December 2004	<ul style="list-style-type: none"><li>• Report to Council re: outcome of above</li></ul>
January/February 2005	<ul style="list-style-type: none"><li>• Preparation of tender for Architectural Services</li><li>• Negotiations with all stakeholders</li></ul>
February 2005	<ul style="list-style-type: none"><li>• Award Architect tender</li></ul>
February/March 2005	<ul style="list-style-type: none"><li>• Architect to meet stakeholders</li><li>• Prepare Plans</li></ul>

Date	Item
April/May 2005	• Community consultation, planning approval process
June 2005	• Council approval of plans
July 2005	• Adoption of budget
August 2005	• Advertise building tender
September/October 2005	• Evaluation of tenders
November 2005	• Award of building tender, mobilisation by builder
December 2005	• Construction commences
December 2006	• Construction completed, handover
January/February 2007	• Commencement of Super 14's Games at Stadium

A further report will be submitted to the Council as the matter progresses.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The Town does not have any funds for the upgrade of MES in the current budget. It is envisaged that the State Government will allocate the \$25 million for the Stadium upgrade through another Financial Assistance Agreement.

#### **LEGAL/POLICY IMPLICATIONS:**

##### **Council Decision**

At a Special Council Meeting on 16 December 2002, the Council approved of the redevelopment of Perth Oval, subject to (inter alia);

*"(b) the State Government of Western Australia entering into a legal agreement to build Stage 2 of the redevelopment project at an estimated cost of \$4,950,000 at a date mutually agreed between the state Government of Western Australia and the Town, or within five years of the agreement being signed, subject to a feasibility development being carried out; ..."*

##### **Financial Assistance Agreement (FAA)**

The DSR has requested to meet with the Town's CEO to discuss the terms and conditions of the FAA.

The FAA allows the State Government of Western Australia to prescribe the terms and conditions it requires and to declare an event as a "*significant event*" which in essence gives the Government control of the venue for that event.

##### **Heads of Agreement (HOA)**

###### **1. Redevelopment Clause**

The HOA between the Town, Managing Agent, Allia Holdings Pty Ltd (Allia), Nicola (Nick) Tana and David George Rodwell, Guarantors, contains numerous provisions referring to the redevelopment of the Stadium. In essence, the HOA specifies the following;

- (i) the Town has the right to "*redevelop, develop, remodel, add to or alter the Stadium or any part thereof*";

- (ii) the Town must give not less than six months' notice to Allia that it has entered into a licensing agreement with a major operator and *"then Allia and the Town must as soon as reasonably practicable confer and renegotiate the provisions of this Agreement"*;
- (iii) the Heads of Agreement remain in force whilst the re-negotiations take place;
- (iv) the renegotiations and any new Agreement *"must not materially and adversely affect the rights and obligations of any or all of Allia, the guarantors, the Town and the State Government, as set out in the HOA"*; and
- (v) contains a dispute resolution mechanism.

2. Negotiations for a Licence Agreement

- (i) The Town has tendered the management of the Stadium to Allia Holdings Pty Ltd (Allia) - a subsidiary company of Perth Glory Soccer Club Pty Ltd (PGSC), who operate under a Heads of Agreement (HOA).
- (ii) Persons wishing to use the Stadium do so under a Deed of Licence.
- (iii) The HOA contains a Redevelopment clause, which entitles the Town to negotiate a Licence Agreement with a Major Operator. Rugby WA should negotiate with the Town of Vincent for a Licence Agreement. The Town will then confer with the Management Company. (Allia can also issue a Licence, if they choose to do so.)
- (iv) A Management Committee in place to control the Stadium. The Town's Mayor is the chair and holds the casting vote. Australian Rugby Union (ARU) have been offered a position on the Management Committee.

3. Negotiation of Conditions

Rugby WA will be able to negotiate its conditions of use (including rent) with the Town of Vincent (or Allia if it chooses).

**ADVERTISING/COMMUNITY CONSULTATION:**

Not applicable, at this stage, however it will be required when details become more available.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3.2 (e) *"Maintain separate cost centres for Perth Oval and Leederville Oval and other business units."*

**COMMENT:**

The securing of the ARU Super 14's licence is a major coup for Perth. It is estimated it will generate \$10 million annually into the local economy. Furthermore, it will provide Perth with international exposure through televised games. This will no doubt boost the tourism economy. The Town of Vincent will also be able to benefit from this publicity, as owner of the Stadium.

**10.4.12 Department of Sport and Recreation (DSR) Office Building –  
Leederville Oval, No. 246 Vincent Street, Leederville - Approval of Brief  
for Public Artwork**

<b>Ward:</b>	South	<b>Date:</b>	16 December 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0062
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Richard Gunning		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the brief, attached as Appendix 10.4.12, for the Public Artwork outside the Department of Sport and Recreation (DSR) Office Building at 246 Vincent Street, Leederville.*

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**COUNCIL DECISION ITEM 10.4.12**

**Moved Cr Ker, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Cohen and Doran-Wu on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)**

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 7 December 2004, the Council considered this matter and approved inter-alia as follows;

*"That the Council; ...*

- (iv) APPROVES the Mayor, Nick Catania, to officially open the Building in conjunction with the Premier/Minister for Sport and Recreation; ...*
- (vi) REQUESTS the Chief Executive Officer to meet with the Department of Sport and Recreation to progress the matter of Public Art and prepare a report to be considered at the Council Meeting in February 2005."*

The Town's Community Art Officer has prepared a brief and this is attached as Appendix 10.4.12.

**LEGAL/POLICY IMPLICATIONS:**

Nil.

**ADVERTISING/COMMUNITY CONSULTATION:**

N/A.

**STRATEGIC IMPLICATIONS:**

This project is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3 - Economic Development, in particular 3.1 *"Promote business opportunities in the Town."*

**COMMENT:**

The preparation and adoption of the brief for the Public Artwork will allow for the matter to be progressed. Accordingly, Council's approval of the brief is requested.

Cr Franchina returned to the Chamber at 9.50pm.

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

**12.1 WALGA Nominations – Heritage Tourism Reference Group; Fluoridation of Public Water Supplies Advisory Committee; Local Government Self Insurance Schemes Board; South West Catchment Council; Western Australian Water Safety Council**

Ward:	-	Date:	14 December 2004
Precinct:	-	File Ref:	ORG0045
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

**RECOMMENDATION:**

*That;*

- (i) \_\_\_\_\_ *be nominated as WALGA Member - Heritage Tourism Reference Group;*
- (ii) \_\_\_\_\_ *be nominated as WALGA Member – Fluoridation of Public Water Supplies Advisory Committee (Panel of 3 Names) (Approval by Minister);*
- (iii) \_\_\_\_\_ *be nominated as WALGA Shareholder Member – Local Government Self Insurance Schemes Board (Elected Member of a Scheme Member Council);*
- (iv) \_\_\_\_\_ *be nominated as WALGA Member – South West Catchments Council; and*
- (v) \_\_\_\_\_ *be nominated as WALGA Member – Western Australian Water Safety Council (WAWCS).*

**COUNCIL DECISION ITEM 12.1**

**Moved Cr Ker, Seconded Cr Torre**

*That nil nominations be made.*

**CARRIED (6-0)**

(Crs Cohen and Doran-Wu on approved leave of absence. Cr Farrell had left the meeting.)

**BACKGROUND:**

Please see Appendix 12.1 for details.

**NOMINATIONS CLOSE COB WEDNESDAY 12 JANUARY 2005.**

**13. URGENT BUSINESS**

Nil.

**Mayor Catania conveyed Christmas wishes to all Elected Members and Staff and also thanked them for their efforts and hard work during the year.**

**The Chief Executive Officer also thanked everyone for their efforts during the year and wished everyone a Merry Christmas and a happy, health and safe New Year.**

**14. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.55pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Jim MacLean	Acting Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Craig Wilson	Acting Executive Manager, Technical Services
Des Abel	Manager Planning and Building Services
Annie Smith	Executive Assistant (Minutes Secretary)

4 Members of the Public

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 21 December 2004.

Signed: ..... Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2005