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(22 AUGUST 2006)

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Executive Officer on 30 January 2009***

15. CLOSURE 232

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 22 August 2006, commencing at 6.00pm.

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:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicker	Executive Manager, Technical Services (until 10.00pm)
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Lindsay McPhee	Journalist - Guardian Express (until 9.26pm)
Giovanni Torre	Journalist - Perth Voice (from 6.57pm until 9.26pm)

Approximately 11 Members of the Public

(c) Members on Leave of Absence:

Nil.

Cr Chester departed the Chamber at 6.11pm.

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

1. Ms Irma Lachmund, Chairperson - Loftus Community Centre - Item 10.3.3 - Thanked Mr Rootsey for preparing the report and developing the Guidelines in collaboration with the them. Stated that their budget is currently a balanced budget and that they are incorporated in their own right. Advised that any conditions put on the grant such as the nominal lease fee will affect that income and will endanger the service provision in

the coming financial year. Stated that the Town's grant will pay for approximately 17% of the income. Requested at least three year sponsorship so they can plan ahead and a long term lease of ten years and two five year options. Also requested that the funding be provided at the start of the financial year. Believes that a yearly financial statement is sufficient. Referred to the sponsorship and stated that it is not always possible to have the Town's logo on everything as some grants they receive do not allow for this.

Cr Chester returned to the Chamber at 6.12pm.

2. Mr David Caddy of St Georges Terrace, Perth - Item 10.1.13 - Stated that the application seeks approval to use the land for the same purpose as is approved for the eastern part of the lot. Advised that the eastern half of the lot was approved as a fee paying carpark by the Town on 5 March 1998. Stated that the land is zoned commercial and therefore the comments on parking and access are regarded as especially relevant. Believes the carpark needs to be visible to the public to allow the public to find it and use it. Stated that none of the land is reserved under the Region Scheme.
3. Mr Graham Taylor of Fairway, Crawley - Item 10.1.1 - Referred to the conditions relating to the south west corner of the building in relation to works that are proposed on that corner of the building relative to the building's heritage value. Stated that they have slightly re-worded the condition to suggest that they will, as much as is practicable, retain the existing fabric of the building and that includes retaining as much as possible the existing tile façade in that area by the removal of one boarded up section below one of the windows where there is currently a disused access to a filled in basement area. Referred to the calculation of the accommodation numbers. Advised that they have readdressed the number of WC's and exit widths but at the same time the client is accepting a cap number regardless of exit widths or WC's of 1965. Requested Council's support.
4. Mr Ted Marchese of 3 Armadale Street, Morley - Item 10.1.2 - Referred to information that he had provided to Elected Members. Requested that the Council consider the removal of clause (b)(5) and stated reasons for his request. Stated that they are prepared to construct speed humps and erect signs etc to protect pedestrians.

Cr Chester departed the Chamber at 6.24pm.

5. Mr Robert Gordon of 3/34 Money Street, Perth - Item 10.1.3 - Believes that to have an addition forty people would severely impact on his amenity especially in regards to noise. Requested that Council consider the impact that this development would have on the residents of the area.

Cr Chester returned to the Chamber at 6.25pm.

6. Mr Rob Smith of Haynes Street, North Perth - Item 14.1 - Stated that it has been two years since the matter was first brought before the Council. Reiterated that the place was vacant for over a period of six months, non-conforming use should be taken away and the property should be reverted back to an R30/40 zoning.

7. Mr Neil Teoh of Planning Solutions, 1/255 Beaufort Street, Perth - Item 10.1.3 - Stated that the previous request for the deferral was so that the parties could meet with the Town's officers to further address parking and traffic issues in an effort to waive the cash-in-lieu requirement. Referred to a letter that was provided to the Town but was not included in the report. Believes a recalculation is appropriate. Stated that a Management Plan has been submitted to ensure that the congregation of socialisation will happen at the rear of the site.
8. Mr Sam Passante of 7 Auckland Street, North Perth - Item 14.1 - Stated that the residents of Auckland Street still feel very strongly about property being retained as residential and would like to see the recommendations that are in the Pracsys report upheld.
9. Mr Michael Waters of 39 Money Street, Northbridge - Item 10.1.3 - Stated that he has operated the backpackers for 11 years and in that time have had few complaints from neighbours and these have been worked through with them. Advised that he has addressed any concerns from the neighbours in the Management Plan. Advised that the noise from people coming home late is not always from the backpackers.
10. Mr Joe Maio from Australian Lifestyle Design - Item 14.1 - Stated that the non-conforming use has a display and showroom, the display was still in action as far as Midland Brick's signage was up. .

Cr Torre departed the Chamber at 6.37pm.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP closed Public Question Time at 6.40pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Helen Doran-Wu for the Ordinary Meeting of Council to be held on 12 September 2006 for personal reasons.

Moved Cr Farrell, Seconded Cr Messina

That Cr Doran-Wu's request for approved leave of absence for the Ordinary Meeting of Council to be held on 12 September for personal reasons be approved.

CARRIED (8-0)

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

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 12 August 2006 be confirmed as a true and correct record.

CARRIED (8-0)

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

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in Item 10.3.1 - Investment Report as at 31 July 2006. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.

8.2 Cr Messina declared a financial interest in Item 10.3.1 - Investment Report as at 31 July 2006. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.

8.3 Cr Lake declared an interest affecting impartiality in Item 10.3.3 - Loftus Community Centre Contribution Report. The nature of her interest being that the Catchment Group by whom she is employed uses the Loftus Centre for meetings.

8.4 Cr Maier declared an interest affecting impartiality in Item 10.3.3 - Loftus Community Centre Contribution Report. The nature of his interest being that he is a member of a community group that uses the centre occasionally.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Item 10.3.3, 10.1.13, 10.1.1, 10.1.2 and 10.1.3

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

Item 10.4.4

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

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

Cr Farrell	Item 10.3.4
Cr Chester	Items 10.1.5, 10.1.10, 10.1.12, 10.1.15, 10.3.7, 10.4.3 and 10.4.6
Cr Ker	Items 10.1.11, 10.2.3 and 10.4.7
Cr Doran-Wu	Item 10.1.14
Cr Torre	Nil.
Cr Lake	Items 10.1.6, 10.1.8 and 10.2.1
Cr Messina	Item 10.2.2
Cr Maier	Items 10.1.4 and 10.3.6

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

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

Item 10.3.1

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

Items 10.1.7, 10.1.9, 10.1.16, 10.2.4, 10.3.2, 10.3.5, 10.4.1, 10.4.2, 10.4.5 and 10.4.8

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

Items 14.1 and 14.2

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 10.1.7, 10.1.9, 10.1.16, 10.2.4, 10.3.2, 10.3.5, 10.4.1, 10.4.2, 10.4.5 and 10.4.8

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

Item 10.3.3, 10.1.13, 10.1.1, 10.1.2 and 10.1.3

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

Cr Torre returned to the Chamber at 6.45pm.

Moved Cr Farrell, Seconded Cr Ker

That the following unopposed items be moved en bloc;

Items 10.1.7, 10.1.9, 10.1.16, 10.2.4, 10.3.2, 10.3.5, 10.4.1, 10.4.2, 10.4.5 and 10.4.8

CARRIED (9-0)

10.1.7 No. 349 (Lot 11, Strata Lot 2) Charles Street, North Perth - Proposed Alterations, Additions and Signage Additions to Existing Eating House and Drive-In Fast Food Outlet (McDonalds)

Ward:	North	Date:	15 August 2006
Precinct:	Charles Centre; P07	File Ref:	PRO0043; 5.2006.265.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by H A McIntyre Consulting on behalf of the owner McDonalds Properties Australia Pty for proposed Alterations, Additions and Signage Additions to Existing Eating House and Drive-In Fast Food Outlet (McDonalds), at No. 349 (Lot 11, Strata Lot 2) Charles Street, corner Scarborough Beach Road, North Perth, and as shown on plans stamp-dated 1 June 2006, subject to the following conditions:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (iv) the projecting sign shall be a minimum height of 2.75 metres from the footpath level to the underside of the projecting sign and a minimum of 600 millimetres from the kerb line of Charles Street; and*
- (v) prior to the issue of a Sign Licence revised plans shall be submitted and approved illustrating sign M4, located on the southern elevation, not extending beyond the outer frame of the fascia. The revised plans shall not result in any further variation to the Town's Policies.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	McDonalds Properties Australia Pty
Applicant:	H A McIntyre Consulting
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Eating House and Drive- In Fast Food Outlet
Use Class:	Eating House and Drive- In Fast Food Outlet
Use Classification:	"P" and "AA"
Lot Area:	3782 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the replacement of existing signage at the McDonalds Family Restaurant located at the subject site. The application proposes to erect seven (7) projecting signs attached to the fascia of the building, ranging from 0.42 to 1.8117 square metres in area, and the erection of a new pylon sign, 16.92 square metres in area.

The proposed alterations and additions to the building do not require Planning Approval as it complies with the Town's Minor Nature Development Policy.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Pylon Sign	Minimum clearance of 2.7 metres from the finished ground level.	Clearance 2.55 metres from the finished ground level	Supported- the proposed sign has a higher clearance from ground level than the existing Pylon Sign being altered.
	Not to be more than 6 metres above the finished ground level.	7 metres above the finished ground level.	Supported- the sign remains the same height as the existing sign being altered.
	Not to exceed 2.5 metres measured either vertically or horizontally across the face of the sign.	Dimensions of the sign are 4.7 metres x 3.6 metres.	Supported- dimensions of the sign are the same as the existing sign being altered.
	Total area not to be greater than 4 square metres.	Total are of the sign is 16.92 square metres.	Supported- as above.
Projecting Sign- 'M4'	Not to project beyond outer frame of the fascia.	Projects beyond outer frame of fascia.	Not Supported- undue impact on amenity of the surrounding area.

Consultation Submissions	
Consultation is not required as the application is being referred to the Council for determination.	
Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

COMMENTS:

In light of the above, the application is recommended for approval.

10.1.9 Tenancies 1 & 2 - Nos. 191-199 (Lot 102, Strata Lots 1 & 2) Bulwer Street, Perth - Proposed Change of Use from Office to Shop (Beauty Salon)

Ward:	South	Date:	15 August 2006
Precinct:	Hyde Park; P12	File Ref:	PRO3635; 5.2006.307.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners T A & T Nguyen for proposed Change of Use from Office to Shop (Beauty Salon), at Tenancies 1 & 2 - Nos. 191-199 (Lot 102, Strata Lots 1 & 2) Bulwer Street, Perth, and as shown on plans stamp-dated 29 June 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) doors, windows and adjacent floor areas fronting Bulwer Street shall maintain an active and interactive relationship with this street;*
- (iii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) the gross floor area of the shop shall be limited to 113 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval being applied for and obtained from the Town;*
- (v) prior to the first occupation of the development, one (1) class 3 bicycle parking facility shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to installation of such facility;*
- (vi) the applicant/owner shall pay a cash-in-lieu contribution of \$12,480 for the equivalent value of 4.8 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (vii) this approval is for Shop (Beauty Salon) only and should the applicant/owner/occupier wish to change the nature of the shop use, it shall be necessary to apply to and obtain a separate Planning Approval from the Town prior to commencement of the new use; and*
- (viii) no activity of a non-beauty salon nature, prostitution, brothel business, agency business associated with prostitution, escort agency business, and the like, shall occur at the premises.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	T A & T Nguyen
Applicant:	T A Nguyen & T Nguyen
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office
Use Class:	Shop
Use Classification:	"P"
Lot Area:	1869 square metres
Access to Right of Way	N/A

BACKGROUND:

25 November 1996 The Council at its Ordinary Meeting granted conditional approval for seven (7) offices, five (5) special purpose dwellings and eight (8) grouped dwellings at the subject property.

DETAILS:

The proposal involves change of use from office to shop (beauty salon).

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
The application does not require advertising as the proposal is a permitted use and is being referred to the Council for its consideration.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking - Strata Lots 1 and 2			
Car Parking Requirement (nearest whole number) -Retail/Shop: 1 car bay per 15 square metres of gross floor area (113 square metres) - 7.53 car bays.			8 car bays
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop)			(0.85) 6.8 car bays
Minus car parking on-site			2 car bays
Minus the most recently approved on-site parking shortfall			Nil
Resultant shortfall			4.8 car bays

Bicycle Parking	
<p><u>Retail/Shop:</u> (113 square metres of gross floor area) -1 space per 300 square metres of gross floor area for employee/resident. -1 space per 200 square metres for visitor/shopper.</p>	<p>0.38 space (Class 1 or 2) 0.56 space (Class 3)</p>

* 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

The total gross floor area for the proposed shop (beauty salon) will result in a car parking shortfall of 4.8 car bays, after the application of adjustment factors. This shortfall can be addressed as a cash-in-lieu contribution.

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

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

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

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2006/07 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/2006 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

Summary

The proposal is supported as it is considered to enhance the amenity of this commercial area and is compliant with the Town's Hyde Park Precinct Policy.

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

10.1.16 Western Australian Local Government Association (WALGA) – Draft Identification and Investigation of Acid Sulfate Soils Guidelines

Ward:	Both Wards	Date:	16 August 2006
Precinct:	All Precincts	File Ref:	ENS0084
Attachments:	001		
Reporting Officer(s):	A Denford, D Brits		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the 'Infopage' from the Western Australian Local Government Association (WALGA) requesting comments on the Department of Environment's 'Draft Identification and Investigation of Acid Sulfate Soils Guidelines' as shown in Attachment 10.1.16; and*
- (ii) *ADVISES the Western Australian Local Government Association (WALGA) that:*
 - (a) *the Council SUPPORTS the Department of Environment's 'Draft Identification and Investigation of Acid Sulfate Soils Guidelines' without amendment, as "Laid on the Table"; and*
 - (b) *The Council SUPPORTS WALGA in making a collective submission to the Department of Environment to further investigate funding arrangements.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with the opportunity to comment on the Department of Environment's *'Draft Identification and Investigation of Acid Sulfate Soils Guidelines'*.

DETAILS:

The Department of Environment released the *'Draft Identification and Investigation of Acid Sulfate Soils'* in May 2006 for public comment. The Department of Environment has reported little feedback on the Guidelines from Local Government to date. At the request of the Department of Environment, the Western Australian Local Government Association (WALGA) has issued an 'Infopage' to all municipalities within the State (copy attached).

On behalf of the Department of Environment, WALGA is seeking comments on the *'Draft Identification and Investigation of Acid Sulfate Soils'* with the comment period closing on 1 September 2006.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Background

Acid Sulfate Soils (ASS) is the common name given to naturally occurring soil and sediment containing iron sulphide. These naturally occurring iron sulfides are generally found in a layer of waterlogged soil and are benign in its natural state. When disturbed and exposed to air, however, it oxidises and produces sulphuric acid, iron precipitates and concentrations of dissolved heavy metals such as aluminium, iron and arsenic.

While the presence or possible presence of ASS is a development constraint that should be subject to an appropriate risk assessment, the current lack of detailed knowledge as to the location of ASS in the Perth metropolitan region makes it difficult to provide a comprehensive planning response to the issue.

Nevertheless, all stakeholders in the property development process need to be aware of the implications of the presence of ASS and the management process required to avoid the potential adverse effects on the environment and infrastructure.

Subsequently, the Department of Environment has produced the *Draft Identification and Investigation of Acid Sulfate Soils Guidelines*.

Purpose of the Draft Identification and Investigation of Acid Sulfate Soils Guidelines

The purpose of the Guidelines is to provide practical guidance in relation to the **minimum** level of investigation required to:

1. identify the presence or absence of ASS in areas to be potentially disturbed by a proposed development or other project; and if present; and
2. define the nature and extent of ASS and the likely amount of existing and potential acidity in order to determine appropriate management measures.

It is important to note that the Guidelines only provide information on the **identification** and **investigation** of acid sulfate soils. A separate document entitled *'Treatment and Management of Acid Sulfate Soil Disturbance'* provides guidance on management measures for acid sulfate soils.

Development Types Likely to Disturb Acid Sulfate Soils

The types of development that may disturb ASS typically involve large-scale drainage and excavation works which expose these soils to air and may include:

- Coastal developments such as residential estates, marinas and golf courses;
- Large-scale dewatering and drainage works associated with the development of residential estates;
- Developments involving disturbance to wetlands, mangrove swamps, salt marshes, lakes and waterways;
- Infrastructure projects such as bridges, port facilities, flood gates, dams, dredging, railways and roads;
- Mining and quarry operations;
- Rural drainage; and
- Flood mitigation works.

Very few of these activities are relevant to development and infrastructure construction that occurs within the Town of Vincent.

In light of the fact that the Guidelines only address measures to 'identify' and 'investigate' the presence of acid sulfate soils and that the predominant development types within the Town of Vincent are unlikely to disturb acid sulfate soils, it is recommended that the Council receives the 'Infopage' from the Western Australian Local Government Association (WALGA) in relation to the Department of Environment's *'Draft Identification and Investigation of Acid Sulfate Soils Guidelines'*, advises WALGA that the Council supports the Guidelines without amendment and also supports WALGA in making a collective submission to the Department of Environment to further investigate funding arrangements.

10.2.4 2006 Pride Parade - Temporary Closure of Brisbane Street Between Beaufort and William Streets and William Street Between Bulwer and Newcastle Streets, Perth

Ward:	South	Date:	16 August 2006
Precinct:	Forrest P14; Beaufort P13 & Hyde Park P12	File Ref:	TES0027 & CMS0040
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **APPROVES:**

- (a) *the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Brisbane Streets, between 6.00pm and 9.00pm, and William Street, between Brisbane and Newcastle Streets from 7.30pm to 9.00pm on Saturday, 28 October 2006, to facilitate the 2006 Pride Parade;*
- (b) *a Main Roads WA accredited Traffic Management contractor to carry out the required road closures within the Town at the locations shown on attached Plan No. A4-00-063B;*
- (c) *the estimated cost of the road closures of \$4,200 to be funded from the 2006/2007 Parades and Festivals budget allocation, and this is conditional that the applicant acknowledges the Town of Vincent as a sponsor in all publicity for the parade;*
- (d) *a temporary "No Parking" restriction in the same area from 2.00 pm on Saturday, 28 October 2006; and*

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

- (a) *contacts the Public Events section of the WA Police Service and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
- (b) *liaises with the City of Perth regarding the placement of a notice of road closure in "The West Australian" and reimburses the City of Perth for the cost of the advertisement; and*
- (c) *letter drops all the affected residents and businesses along the parade route at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators and the Town's after hours contact details.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek Councils approval to close Brisbane and William Streets, Perth and sections of the surrounding road network, between the hours of 6.00pm and 9.00pm on Saturday, 28 October 2006, to facilitate the 2006 Pride Parade.

BACKGROUND:

Pride WA has successfully held their annual Pride Parade through the streets of Northbridge for the past 16 years. Last year the parade drew a crowd in excess of 60,000 people, making it one of the largest public events in metropolitan Perth.

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

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

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

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

DETAILS:

As in 2004, the area to be temporarily closed to facilitate the 2006 parade is bounded by Lake, Bulwer, Beaufort and Newcastle Streets and includes some 17 intersections and 27 full and part road closures as shown on attached Plan No. A4-00-063B.

For the 2005 Pride Parade the sequence of road closures was varied to accommodate the Luciano Pavarotti Concert held at the nearby Members Equity Stadium on the same night, 29 October 2005. Whilst there were concerns expressed at the time of holding the two major events simultaneously, both were adjudged successful with few complaints about traffic congestion.

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

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

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

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

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

- Half page advertisement in the Pride Festival Guide (circulation 10,000).
- Banner ad on the Pride WA website.
- The Town's logo on the Pride WA street banners(s).
- The Town's logo on Pride Festival posters, flyers and newspaper advertisements.

CONSULTATION/ADVERTISING:

As per clause (v) part (b) of the Officer Recommendation, Pride will be requested to liaise with the City of Perth to ensure that the proposed road closures are advertised in accordance with the requirements of Road Traffic Act 1974. Further, Pride WA has provided an undertaking to letter drop all the affected residents and businesses along the parade route in accordance with clause (v) part (c).

LEGAL/POLICY

The Town is responsible to ensure that road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA *Code of Practice* and, therefore, only suitably qualified and Main Roads WA accredited Traffic Management Contractors will be invited to tender for the road closure contract.

FINANCIAL/BUDGET IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

COMMENTS:

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

It is therefore recommended that the Council approve the temporary closure of streets as outlined in the main body of the report to accommodate the 2006 Pride Parade.

10.3.2 Authorisation of Expenditure for the period 1 July - 31 July 2006

Ward:	Both	Date:	08 August 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001;		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 July - 31 July 2006 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors;
and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1- 31 July 2006.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$155,634.08
Total Municipal Account		\$155,634.08
Advance Account		
Automatic Cheques	56014-56018	\$2,799.52
Trust Account Cheques		0
Transfer of Creditors by EFT Batch 550-552, 554-555		\$22,377.94
Transfer of PAYG Tax by EFT	July 2006	\$73,105.00
Transfer of GST by EFT	July 2006	
Transfer of Child Support by EFT	July 2006	\$315.57
Transfer of Superannuation by EFT City of Perth	July 2006	\$14,859.70
Local Government	July 2006	\$42,176.35
Total Advance Account		\$155,634.08
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$2,290.63
Lease Fees		\$2,203.27
Corporate Master Cards		\$6,264.01
Australia Post Lease Equipment		\$0.00
2 Way Rental		\$0.00
Loan Repayment		\$64,664.31
Rejection Fees		\$20.00
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$75,442.22
Less GST effect on Advance Account		
Total Payments		\$386,710.38

STRATEGIC IMPLICATIONS:

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

“Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.”

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.5 Lease Renewal – 245 Vincent Street, Leederville

Ward:	South Ward	Date:	1 August 2006
Precinct:	Oxford Precinct	File Ref:	PRO0400
Attachments:	-		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES of a five (5) year lease for the premises located at 245 Vincent Street, Leederville, to the Patricia Giles Centre Inc, subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT

To report on the details for the proposed lease of 245 Vincent Street, Leederville, between the Town of Vincent and the Patricia Giles Centre Inc and seek approval of a five (5) year lease.

BACKGROUND:

The Patricia Giles Centre Inc. currently holds a five (5) year lease for the premises located at 245 Vincent Street, Leederville. The lease period commenced on 1 December 2001 and is due to expire on 30 November 2006. The current Lessee has expressed a desire to continue leasing the premises for a further five (5) years.

DETAILS:

A five (5) year lease period is requested, commencing 1 December 2006 and terminating 30 November 2011. The Patricia Giles Centre Inc. is a non-profit organisation that provides services to women and children who have experienced or witnessed domestic violence as well as to men who seek to improve the quality of their family relationships. The premises are used as an office and also for counselling/consulting purposes.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Town's Policy No. 1.2.1 "Terms of Lease" which specifies a five (5) year term, to a maximum of ten (10) years.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 - 2010 - *Key Result 2.1*

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The Town currently receives lease payments of \$6,183.74 GST inclusive. The rental income is linked to the annual CPI index.

COMMENTS:

It is recommended negotiations commence with the Patricia Giles Centre Inc. with the view of offering a five (5) year lease for the premises at 245 Vincent Street. The Patricia Giles Centre Inc. provides a range of essential community services which benefits hundreds of families and individuals. The Town recognises the importance of the services provided by the lessee and it should also be noted that the tenancy of the Lessee had been trouble free and in accordance with all lease requirements.

10.4.1 Use of the Council's Common Seal

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

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
08/08/06	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mrs J Hole re: Unit 13, Leederville Gardens Retirement Estate
11/08/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 August 2006 (Change Rooms 1 and 2 and Pitch)

Date	Document	No of copies	Details
11/08/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Security Supplies Trade Show Seminar - 16 August 2006 (Glory Lounge and Gareth Naven Room)
15/08/06	Withdrawal of Caveat	1	Town of Vincent and Mullins Handcock Lawyers of 13/37 St Georges Terrace, Perth WA 6000 re: Nos 128-130 (Strata Lots 1, 2, 3 and 4) Joel Terrace, Mount Lawley (WAPC Ref: 551-05)
15/08/06	Withdrawal of Caveat	1	Town of Vincent and Mullins Handcock Lawyers of 13/37 St Georges Terrace, Perth WA 6000 re: Lot 504, Elven Street, North Perth - Transfer from Lamotte to D Waters & E Larson of Unit 14, 75 Glendower Street, Perth

10.4.2 Audit Committee – Unconfirmed Minutes August 2006

Ward:		Date:	14 August 2006
Precinct:		File Ref:	FIN0106
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Minutes (unconfirmed) dated 11 August 2006 of the Town's Audit Committee, as shown in Appendix 10.4.2.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 11 August 2006.

BACKGROUND:

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

"That the Council;

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Nil.

COMMENT:

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

**10.4.5 Strategic Plan 2005-2010 (Amended) – Progress Report for the Period
1 April 2006 – 30 June 2006**

Ward:	Both	Date:	16 August 2006
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Executive Managers, R Boardman		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2005-2010 (Amended) for the period 1 April 2006 – 30 June 2006 as shown in Appendix 10.4.5.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 April to 30 June 2006.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2004, the Council considered the matter of its Strategic Plan and resolved *inter alia* as follows:

“That the Council;

- (i) *ADOPTS the Council's Strategic Plan 2003-2008 as amended at the workshop held on 11 December 2004 ...*
- (ii) *USES the amended Strategic Plan as an Interim Plan for the period December 2004 until it is reviewed in mid to late 2005;*
- (iv) *REVIEWS its Strategic Plan in mid to late 2005 and considers an amount of \$10,000 in the draft Budget 2005/06 for this matter.”*

DETAILS:

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

It is not a legal requirement to have a Strategic Plan, however, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2005 – 2010.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

10.4.8 Information Bulletin

Ward:	-	Date:	16 August 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 22 August 2006, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.8

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 22 August 2006 are as follows:

ITEM	DESCRIPTION
IB01	Heritage Loan Subsidy Scheme – Revised Scheme. Letter from Ricky Burges CEO, WALGA.
IB02	East Perth Redevelopment Scheme – Amendment No. 18. Extension of the East Perth Redevelopment Scheme over the ‘Automasters’ Site and Surrounding Lots, Northbridge. Letter from Mark Hedges Executive Director, EPRA.
IB03	Letter from Jim Dodds, Director Environmental Health Directorate Department of Health – Tobacco Products Control Act 2006 – Appointment of Environmental Health Officers as Restricted Investigators.
IB04	Notice of Forum - 23 August 2006

10.3.3 Loftus Community Centre Contribution Report

Ward:	Both	Date:	14 August 2006
Precinct:	All	File Ref:	CMS0016
Attachments:			
Reporting Officer(s):	J Anthony		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council;

- (i) *RECEIVES the report on the Loftus Community Centre;*
- (ii) *APPROVES of the following guidelines to be applied for the distribution of the annual financial contribution by the Town to the Loftus Community Centre.*

“Guidelines:

- (a) *The Loftus Community Centre provide events, activities, programs and courses at affordable rates, which benefit the community, provide places for people and community groups to meet which are affordable and accessible and provide opportunities for people to contribute to the community;*
 - (b) *The Town not to be directly charged for the reasonable use of the facility or the hire of rooms at the Centre;*
 - (c) *Community groups to have the ability to discuss rates charge with the Management Committee;*
 - (d) *The Town to be advised of the fees and charges to be charged for each financial year;*
 - (e) *Consideration be given for an Elected Member and a senior officer of the Town to sit on the Board of Management;*
 - (f) *The Child Health Clinic not be charged out for hire by the Loftus Community Centre;*
 - (g) *The Annual Report including Financial Statements, Annual Budget and monthly Financial Statements for the Centre to be submitted to the Town prior to the issue of any funds by the Town;*
 - (h) *Recognition of the Town of Vincent as a major sponsor/supporter in the Centre’s activities and programmes as outlined in the report; and*
 - (i) *the Town’s funding to be made to the Centre in the first (September) and third (March) quarter of the financial year and this is subject to the Centre agreeing and compliance with the Town’s Guidelines”; and*
- (iii) *NOTES that a report will be provided to the Council on the operation of the Centre at the end of each financial year.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Doran-Wu

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

“(ii) (i) *the Town’s funding to be made to the Centre in the first (September) ~~and third (March)~~ quarter of the financial year and this is subject to the Centre agreeing and compliance with the Town’s Guidelines”; and”*

AMENDMENT CARRIED (9-0)

Moved Cr Doran-Wu, Seconded Cr Torre

That the item be DEFERRED to allow for further discussions between the parties.

CARRIED (7-2)

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

PURPOSE OF REPORT:

To provide a report on Loftus Community Centre to consider guidelines and criteria for annual funding by the Town.

BACKGROUND:

At the Special Meeting of Council on 11 July 2006 the following resolution was adopted:

“(xviii) *That the funds allocated in the Annual Budget 2006/2007 as a donation to the Loftus Community Centre is WITHHELD until the report on the matter is presented to Council.*”

At the Special meeting of Council on 30 May 2006 Budget, the following resolution was adopted:

"That the Council:

(vi) *REQUESTS the Chief Executive Officer to prepare appropriate Guidelines and Criteria which would be applicable to the Grant made to the Loftus Community Centre by the Town and, in particular, fees and charges applicable to Users of the Loftus Community Centre facilities and the level of funding required by the Loftus Community Centre in order to manage the facility in a sustainable manner."*

The Loftus Community Centre has held a lease over the portion of the Loftus Centre at 99 Loftus Street, Leederville since 1988. The previous lease spanned from July 1996 to June 2001.

In 2003, the Loftus Centre was proposed to be redeveloped as part of the State Indoor Multi-use Sports Centre in 2004/2005. Given this, a clause was included in the lease to reserve the Town's right as the lessor to terminate the lease by giving three month's written notice. It is recommended that a one year lease with a one year option to renew be approved to allow the Loftus Community Centre to appropriately plan their activities.

The following recommendation was ratified under delegated authority in January 2003:

"That the Council approves of a one (1) year lease, with an option to renew of one (1) year, effective from 1 January 2003, over a portion of the premises of the Loftus Centre at 99 Loftus Street, Leederville, being granted to the Loftus Community Centre subject to final satisfactory negotiations being carried out by the Chief Executive Officer."

The centre had requested that their contribution to the sinking fund be suspended due to financial hardship. This was approved in the 2002/2003 financial year.

The Town had supported the centre through an annual grant of \$15,000 to assist with operational costs up to June 2005. The centre then requested that the Town's annual contribution be increased to \$30,000 which was approved in the 2005/2006 Budget.

At the Special Meeting of Council 17 May 2005, the following resolution was passed;

"That the Council:

- (ii) *REQUESTS that;*
 - (a) *the annual grant to the Loftus Community Centre and Rosewood Group be included in the Budget as separate items and the funding be increased for the Loftus Community Centre to \$30,000."*

DETAILS:

The Loftus Community Centre is the only community-based centre in the Town of Vincent and has a prime opportunity to offer a range of activities for all ages and cultures. The vision of the centre is "Working together to provide a vibrant Community Centre where all people feel welcome."

The centre is overseen by a Management Committee whose members are voluntary and meet monthly. Their role is to manage the centre as stated in the Centre's constitution and set the direction for the centre. Members of the management committee are also active members of the centre, involved in any one of the programmes on offer.

Staff and Volunteers

The centre has a part-time coordinator and a full-time Customer Service Officer. Through funding from Department of Community Development, the centre also employs a 3+Club Coordinator and Teachers Aid.

The centre relies on volunteers assisting with programmes on offer and with customer service duties. There were eight volunteers assisting in the last financial year.

Users

There were thirty-three (33) user groups who were regular room hirers in the previous financial year. Approximately 75% of these can be classed as not for profit groups.

Membership

In the last financial year compulsory membership was introduced for users of programmes offered by the Centre. This resulted in 650 family members at the end of June 2005. Individual memberships totalled \$3,000 and organisational memberships totalled \$2,530 for the 2004/2005 financial year.

Annual membership

Commercial	\$165
Not for Profit	\$110
Individual/Family	\$5

The current hire rates of the centre are as follows:

<i>Rate</i>	<i>Full Rate (GST included)</i>	<i>Discounted (GST included)</i>
Community Hall	\$47 per hour	\$29 per hour
Learning Centre	\$23.50 per hour	\$16.00 per hour
Playgroup Room	\$23.50 per hour	\$16.00 per hour
*Clinic	\$16 per hour	
Kitchen	A flat fee of \$6 (GST inclusive) applies for all users	Members free of charge
Bond	\$110	
Key Bond	\$110 (after hours hirers only)	
Other Charges		
Centre Callout (reasons other than alarm)	\$10	
Centre Callout (when alarm is activated)	\$25	
Surcharge (Failure to turn off aircon/lights, inadequate cleaning and room pack away)	\$20	
Equipment Hire	\$6	

*The Child Health Clinic is owned and operated by the Town of Vincent. The Town also pays for cleaning this area. Fees received for the hire of this area should be reimbursed to the Town of Vincent.

Organisational members are eligible for discounted room hire, advertisement in newsletter, and free kitchen use.

The fees charged are considered to be reasonable and in line with generally accepted charges for other centres.

The Centre is proposing a new schedule of rates to be applicable from 1 January 2007.

Annual membership is proposed to be:

Commercial	N/A
Government or for profit	\$110
Not for profit	\$60
Loftus Community Centre Members	\$7

The schedule for hire rates and other charges is listed below:

RATES	FULL RATE	GOVERNMENT OR FOR-PROFIT MEMBERS RATE	NOT-FOR-PROFIT MEMBERS RATE	LCC COMMUNITY GROUP MEMBERS RATE
MEMBERSHIP	None	<ul style="list-style-type: none"> \$110/year Representative to attend LCC quarterly group meetings Advertisement of activities through LCC newsletter 	<ul style="list-style-type: none"> \$60/year Representative to attend LCC quarterly group meetings Advertisement of activities through LCC newsletter 	<ul style="list-style-type: none"> All members of group are members of the LCC at \$7/year/individual Representative on Management Committee attends meetings each month
COMMUNITY HALL (capacity 135 people)	\$66/hour	\$47/hour	\$29/hour	\$15/hour
LEARNING CENTRE (capacity 40 people)	\$33/hour	\$23.50/hour	\$16/hour	\$8/hour
NEIGHBOURHOOD CENTRE (children's room capacity 20 children)	\$33/hour	\$23.50/hour	\$16/hour	\$8/hour
KITCHEN (flat fee)	\$6	\$6	\$6	\$0
BOND AND/OR KEY BOND (if after hours access is required)	\$110	\$110	\$110	\$0
GENERAL EQUIPMENT HIRE (TV/VCR, Urns, cutlery, crockery)	\$6	\$6	\$6	\$0
LAPTOP OR DATA PROJECTOR	Bond: \$110 (each) plus copy of driver's license \$10/hour (each)	Bond: \$110 (each) plus copy of driver's license \$10/hour (each)	Bond: \$110 (each) plus copy of driver's license \$10/hour (each)	Bond: \$110 (each) plus copy of driver's license

OTHER CHARGES

CENTRE CALLOUT (reasons other than alarm)	\$10.00
CENTRE CALLOUT (when alarm is activated)	\$25.00
SURCHARGE (Failure to turn off air conditioning, lights, inadequate cleaning, pack away)	\$20.00

Programmes available at the Centre

The centre offers term programmes through the year. Programmes and activities for Term Two 2006 is attached.

The Centre offers activities such as craft, games, dancing, yoga, art, lifestyle programmes such as meditation and beauty clinics.

Other activities and events include an Open Day, Thank a Volunteer Day, International Women's Day, Biggest Morning Tea (to raise funds for Cancer Research) and Harmony Day. Classes include computer classes and Community Choir.

A Toy Library and Playgroup operates within the centre along with 3+Club programmes run by the Centre. The Playgroup has about 70 members and all sessions are full with waiting lists in place.

The Leederville Childcare Cooperative operates at the centre similar to a "Child Minding Club", except that the caring is done on a group basis in a community setting rather than in a private home. It is designed to take the place of informal care, which occurs between family and friends, or to provide the same service as a Day Care Centre or Playgroup. It provides the children with the opportunity to meet and make friends with other children and to play with toys and equipment which may not be available to them at home.

The Town of Vincent has two projects operating at the centre; Tales of Times Past and Finding My Place.

Guidelines and Criteria for annual funds

The annual funding for the Centre is now changed from previous funding which was attached to the annual Community and Welfare Grants. Guidelines and criteria are recommended to ensure that funding for the centre is directly beneficial for residents of the Town and specific outcomes are delivered in return. Given the substantial contribution by the Town, negotiations will also include incorporating specific hours of venue hire for the Town's projects.

The following guidelines are suggested in lieu of the Town's annual contribution:

1. The Town not be charged for the reasonable use of the facility or the hire of rooms at the Centre;
2. Ability to negotiate special rates for community groups;
3. The Town to be advised of the fees and charges to be charged for each financial year;
4. Recommend that an Elected Member and a senior officer of the Town be on the Board of Management; and
5. The Child Health Clinic not be charged out for hire by the Community Centre.

Recognition of the Town of Vincent

1. The centre will be required to display the Town of Vincent's logo (supplied by the Town's Public Relations section) on all promotional materials related to their activities;
2. The Town of Vincent will be acknowledged in any media coverage of the funded project;
3. The centre shall invite an elected member from the Town of Vincent to officiate at selected events and activities;
4. The centre shall acknowledge the Town's financial assistance through public address announcements.

Funding Acquittal and Accountability Requirements

1. Funding from the Town of Vincent must be expended in the year in which it is offered;
2. Funds not spent in the agreed time are to be returned to the Town of Vincent;

3. The financial contribution is provided on an annual basis with no commitment to future funding; and
4. Annual reports, budgets and financial statements to be submitted to Council for each financial year.

Lease Conditions for the Upgraded Community Centre

The Centre has been advised that a lease payment of \$5,200 per annum is anticipated together with a contribution of \$1,000 per annum towards a sinking fund will be conditions for the lease when the Loftus site has been redeveloped. The Town will offer a long term lease for the Community Centre to ensure secure tenure.

The Town of Vincent has written to the Loftus Community Centre on 17 July 2006 advising them of the proposed guidelines and on the 25 July 2006 regarding the proposed lease conditions.

The letter of 17 July 2006 included the following lease conditions:

“In return for the long term lease the Town would be looking to charge \$5,200 per annum that will be annually indexed to CPI. In addition it would be expected that a contribution of \$1,000 per annum would be made to a sinking fund for future capital upgrades and maintenance of the Community Centre.”

The letter of 25 July 2006 included the following suggested guidelines:

- a) That the Town as the lessor is not charged for reasonable use of the facility or hire of the rooms. The amount ‘reasonable’ is to be determined by discussions with both parties, it is suggested that this would not be more than once a month unless by special request.
- b) Community groups to have the ability to negotiate special rates with the Board of Management. Any groups in this category must guarantee a continued use of the facility for a period of more than 12 months.
- c) The Town of Vincent to be advised annually of the fees and charges for each financial year for the Community Centre.
- d) Consideration be given to an Elected Member and a senior officer sitting on the Board of Management of the Centre.
- e) The Child Health Clinic not to be charged for hire by the Loftus Community Centre (this is not part of the Community Centre lease).
- f) The Annual Budget and Financial Statements for the Centre to be submitted to the Town on completion.”

The Town received a letter dated 31 August 2006 from the President of the Loftus Community Centre Management Committee in reply to letters of 17 and 25 July 2006 respectively.

Listed below is the Community Centre’s responses to matters listed.

Proposed Condition a): That the Town as the lessor is not charged for reasonable use of the facility or hire of the rooms. The amount 'reasonable' to be determined by discussions with both parties, it is suggested that this would not be more than once a month unless by special request.

If we estimate that the Town would hire the spaces at the rates (to be approved at the next AGM) for 'Government and For-Profit Members', this would mean a loss of income for the Centre of approximately \$1,692 (3 hours x \$47/hour x 12 times per year).

Proposed Condition b): Community groups to have the ability to negotiate special rates with the Board of Management. Any groups in this category must guarantee a continued use of the facility for a period of more than 12 months.

The Management Committee does not consider it feasible to negotiate the room hire rates with each community group separately and requires groups to identify their relevant user category according to the developed schedule. Nevertheless the Management Committee has always discussed and considered applications for waiver of fees by groups that were unable to pay the fee requested. However, such applications have rarely been successful.

Proposed condition c): The Town of Vincent to be advised annually of the fees and charges for each financial year of the Community Centre (this information is stated each year in the Annual Report, a copy of which has been given to the Town each year.

Agreed

Proposed condition d): Consideration be given to an Elected Member and a senior officer sitting on the Board of Management of the Committee.

The constitutional function of the Management Committee is to 'do all such things as are necessary, incidental or conducive to the attainment of the objects of the Centre'. The LLC Constitution stipulates that the Management Committee will be elected at the Annual General Meeting and have a maximum of 10 members. Casual vacancies can be filled by appointment and the Management Committee has the power to co-opt the services of any person for any purpose.

The Constitution makes no provision for any delegated membership on the Management Committee. The Town of Vincent is free to make nominations to the Management Committee at the LCC Annual General Meeting, should voting rights be desired. Any other participation could, due to our constitution, only be in an advisory capacity.

Proposed condition e): The Child Health Clinic not to be charged for hire (the addition of the craft room in the redevelopment plans answers the need for a smaller space for community groups).

Agreed

Proposed condition f): The Annual Budget and Financial Statements for the Centre to be submitted.

Agreed

Subsequent to receipt of this letter, the Executive Manager Corporate Services met again with the Chairman and the Coordinator of the Community Centre on 10 August 2006 to discuss the unresolved matters.

At the meeting the following was agreed:

It was resolved that the Town charged for the Town's use of the facility would be recorded but not invoiced and that the value of this charge be reviewed as to the possible impact on the financial position of the Centre.

It was agreed that community groups have the ability to have concerns about charges discussed at the Management Committee meetings.

It was agreed that consideration be given to an Elected Member or officer sitting on the Loftus Centre meetings acknowledging the constitutional difficulties that this may present, however these persons could be co-opted on the Board.

The Centre agreed to lease payment, whilst acknowledging that the charge was at the lower end of the scale, concern was raised regarding the possible impact on the financial position of the Centre. The Executive Manager Corporate Services agreed that this should be monitored during the period of the lease.

It was agreed that the proposed guidelines should include the objections of the operation of the Community Centre rather than focus just on the financial compliance.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010 Key Result Area

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2004/2005 Annual Report records a total revenue of \$129,908 and total expenditure of \$129,281, reporting a surplus of \$627.

The Centre reports that in 2005/2006 the total revenue is \$156,162 with total expenditure being \$155,591 resulting in a surplus of \$571.

The Community Centre has advised that it is budgeting in the 2006/07 financial year for revenue of \$181,155 and expenditure to be \$187,310, that is a budgeted deficit of \$6,155.

An amount of \$30,600 has been included in the Annual Budget for 2006/2007.

It is estimated that the funds of \$190,000 - \$195,000 per annum is required to operate the Centre in a sustainable manner.

The Town has provided \$5,000 for upgrade of the playground in 2004/2005.

The maintenance costs for the centre for the 2005/2006 financial year was \$6,074.

The Town's Spring into Life project contributes \$5,500 to the Centre.

Room hire for Tales of Times Past and Finding my Place has totalled up to \$1400. The Town is charged the members' discounted rate when using the facilities at the Centre.

The Town's officers have also supported funding applications for the centre from Lotteries West, Department of Community Development and for projects such as Harmony Day and Adult Learner's Week, which have brought extra income to the Centre.

It is recommended that the Town's funding contribution be made in two (2) parts (first and third quarter of the financial year).

COMMENTS:

The Centre has provided a valuable community service since 1988 and it would be appropriate to have the organisation continue in its role at the current location. The Town now provides a significant financial contribution of 17% of budgeted revenue to the operation of the Centre which has resulted in increase in hours worked by the paid staff. It is therefore prudent that guidelines are established for the provision of the Town's funds.

The Executive Manager Corporate Services and the Manager Community Development have met a number of times with the Chairperson and Coordinator of the Community Centre to discuss the proposed guidelines for the financial contribution and the proposed leased conditions for the refurbished centre on completion of the redevelopment. There is now agreement on the guidelines and the lease conditions and it is recommended that the guidelines and associated conditions be supported.

10.1.13 Nos. 208-212 (Lot 123 D/P: 9320) Beaufort Street, corner Parry Street, Perth - Proposed Change of Use to Warehouse and Fee Paying Car Park

Ward:	South	Date:	15 August 2006
Precinct:	Beaufort; P13	File Ref:	PRO3329; 5.2006.74.1
Attachments:	001		
Reporting Officer(s):	L Mach, H Smith		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by The Planning Group on behalf of the owner Major Holdings Pty Ltd & G T Gunning for proposed Change of Use to Warehouse and Fee Paying Car Park, at Nos. 208-212 (Lot 123 D/P: 9320) Beaufort Street, corner Parry Street, Perth, and as shown on plans stamp-dated 6 July 2006, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Beaufort, Stirling and Parry Streets; and*
- (ii) *the proposal is inconsistent with the Town's Policy relating to the Beaufort Precinct.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Journalist Giovanni Torre entered the meeting at 6.57pm.

Debate ensued.

Moved Cr Farrell, Seconded Cr Messina

That the Item be DEFERRED to allow the Town's Officers to liaise with the applicant.

CARRIED (5-4)

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

Landowner:	Major Holdings Pty Ltd & G T Gunning
Applicant:	The Planning Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vacant Building and Car Park
Use Class:	Warehouse, Car Park
Use Classification:	"P", "AA"
Lot Area:	3048 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves change of use to warehouse and fee paying car park.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
The proposal was not advertised as it is not supported by the Town's Officers and is being referred to the Council for determination. The Department for Planning and Infrastructure has indicated it does not support the permanent development within the reserved land in the MRS in principle, but is willing to support the temporary use of the reserved land subject to appropriate conditions.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

A 'car park' is an 'AA' use within a Commercial zone, requiring the discretion of the Council to approve the use. The proposal fails to comply with the intention of the Beaufort Precinct as set out in the Town's Planning Policy No.3.1.13, which states generally:

'Opportunities to improve the amenity of the area exist through the redevelopment of under-utilised or vacant sites to achieve predominantly residential development. The focus on the city as a place for people to live is to see Beaufort, and the adjacent Northbridge and East Perth Precincts, and areas east and west of the city centre, develop further as inner city communities, each with shopping and meeting places, where owners and tenants in a variety of dwelling units will accept commercial neighbours as an advantage. The Beaufort Precinct provides a good illustration of a potential residential community. It still retains a solid residential component and links with Northbridge which provides the required local facilities and services.'

Evidence of this transformation is occurring within the immediate area with developments such as 'Beaufort Central', a significant mixed-use development with frontages to Stirling and Beaufort Streets, a recently constructed residential development on the corner of Lord and Newcastle Streets and diagonally opposite the subject site on the corner of Stirling and Parry Streets, a significant residential building is nearing completion.

The subject site is adjoined by a 'fee-paying' car park and land on the corner of Parry and Stirling Streets is also used for car parking. These uses detrimentally impact on the visual amenity of the immediate area and there is concern that further land used for car parking will prejudice the emerging residential character of the area.

The Beaufort Precinct Policy, in outlining the intention for the Commercial area states:

'This area is to form an extension to Northbridge with shops, restaurants and other interactive uses continuing to be the predominant uses, cementing the physical link between Northbridge and the surrounding residential areas. ...Car parks should not visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces. They should therefore, be located underground or at the rear of properties.'

The intention of the Policy is clear and as outlined above, the subject site is within close proximity of new residential developments and opposite an area of public open space. The Town is also concerned that private 'fee paying' car parks of this nature are attracted to land outside of the East Perth Redevelopment Authority area and the City of Perth given the significant difference in car parking requirements under the respective town planning schemes. In this respect, the Town is circumspect of any proposals for car parking, which may supplement shortfalls on car parking in adjoining authorities or provide all-day parking for city workers, at the expense of the Town's amenity.

For the reasons outlined above, it is considered that a proposal of this nature will have a detrimental impact on the streetscape and intention of the Beaufort Precinct. It is therefore recommended that the application be refused.

10.1.1 No. 742 (Lot 30) Newcastle Street, Leederville - Proposed Partial Demolition of and Additions and Alterations to Existing Hotel, Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers-Reconsideration of Conditions

Ward:	South	Date:	16 August 2006
Precinct:	Oxford Centre; P 4	File Ref:	PRO0630; 5.2006. 397.1
Attachments:	001		
Reporting Officer(s):	R Rasiah; D Brits		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Taylor Robinson Architects Pty Ltd on behalf of the owners Argyle Holdings Pty Ltd, Tegra Pty Ltd & others for proposed partial Demolition of and Additions and Alterations to Existing Hotel, Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers, at No. 742 (Lot 30) Newcastle Street, Leederville, and as shown on plans stamp-dated 5 December 2005 (street perspective, existing site plan, ground floor and upper floor plans), 9 December 2005 (demolition plans), 17 January 2006 (proposed ground floor, upper floor, elevations), 15 March 2006 (bottle shop) and 14 August 2006 (revised exits widths and toilets), subject to the following conditions:

- (i) a detailed management plan that addresses the control of noise, traffic, maximising safety and access for pedestrians and the potential conflict between pedestrians and vehicular traffic, where the right-of-ways meet both Oxford and Vincent Streets, car parking, litter and antisocial behaviour (to reasonable levels) associated with the proposed development and associated usage of the balconies shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (ii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the western balcony Area 6 on the upper floor being screened on the western side with a screen to the full height from the finished balcony floor level;*
 - (b) significant design features being incorporated into the eastern and western elevations of the bottle shop to reduce the visual impact of these walls; and*
 - (c) the building facade for the "The Verandah Area 5" on the ground being retained in its current form as far as practicable and generally in accordance with the Development Application drawings.*

The revised plans shall not result in any greater variation to the requirements of the Town Planning Scheme No.1 and the Town's Policies;

- (iii) *the development and any openings to the balconies 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 and report are to be at the applicant's/owner(s)' costs;*
- (iv) *the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (v) *prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works when the Other Regional Road Reservation along Vincent Street is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) *the current maximum accommodation numbers will be reassessed as a result of the proposed redevelopment, and application must be made to Construct, Extend or Alter a Public Building (Form 1) and for a Certificate of Approval to be issued (Form 2) in accordance with the Health (Public Buildings) Regulations 1992 (as amended). All areas of the existing Public Building that are being altered, and all newly extended or constructed areas are to be assessed on-site at the completion of the redevelopment for Maximum Accommodation Numbers so that the Certificate of Approval may be issued prior to first occupation of the development. However, the maximum accommodation for the entire premises is not to exceed 1,965 persons;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Newcastle Street and Vincent Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (ix) *doors and windows and adjacent floor areas fronting Newcastle Street and Vincent Street shall maintain an active and interactive relationship with these streets similar to neighbouring buildings;*
- (x) *a quality archival documented record of the place including photographs, floor plans and elevations), for the Town's Historical Archive Collection shall be submitted to the satisfaction of the Town and approved prior to the issue of a Demolition Licence and or Building Licence;*

- (xi) *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;*
- (xii) *The hours of operation for the balcony Area 5 shall be limited to as follows:*
- Monday-Saturday: 11am to midnight; and*
Sunday: 11am to 10pm; inclusive.
- The hours of operation for balcony Areas 6 and 7 are to coincide with the internal space operating hours as per the attachment dated 21 March 2006 for the proposed ground floor and upper floor trading hours, which currently are subject to an ongoing Extended Trading Permit, as follows:*
- Friday – Saturday: midnight to 1am; and*
Sunday: 10pm to 11pm inclusive.
- However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time;*
- (xiii) *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;*
- (xiv) *a detailed landscaping and floodlighting plan for the car parking area, including a schedule of shade trees with a minimum of 1 semi-mature tree per 4 car bays and appropriate floodlighting in accordance with the Australian Standards and the Town's Local Law relating to Floodlighting, 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);*
- (xv) *prior to the first occupation of the development, eight (8) class- one or two, and eight (8) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of 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;*
- (xvi) *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 (\$15,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$15,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xvii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (xviii) *visibly identifiable security/crowd controllers shall conduct external surveillance to manage patron behaviour as they arrive and leave the hotel on busy and weekend nights to the satisfaction of the Director Liquor Licensing and the Town;*
- (xix) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xx) *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 Vincent and Newcastle Streets;*
- (xxi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xxii) *the maximum floor space shall be limited as follows:*
- (a) *hotel - 1,671 square metres of public floor area; and*
 - (b) *bottle shop - 250 square metres of gross floor area.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

"(ii) (c) the building facade including the wall tiles for the "The Verandah Area 5" on the ground floor being retained in its current form as far as practicable and generally in accordance with the Development Application drawings."

Debate ensued.

AMENDMENT CARRIED (6-3)

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

Debate ensued.

MOTION AS AMENDED CARRIED (7-2)

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

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Taylor Robinson Architects Pty Ltd on behalf of the owners Argyle Holdings Pty Ltd, Tegra Pty Ltd & others for proposed partial Demolition of and Additions and Alterations to Existing Hotel, Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers, at No. 742 (Lot 30) Newcastle Street, Leederville, and as shown on plans stamp-dated 5 December 2005 (street perspective, existing site plan, ground floor and upper floor plans), 9 December 2005 (demolition plans), 17 January 2006 (proposed ground floor, upper floor, elevations), 15 March 2006 (bottle shop) and 14 August 2006 (revised exits widths and toilets), subject to the following conditions:

- (i) a detailed management plan that addresses the control of noise, traffic, maximising safety and access for pedestrians and the potential conflict between pedestrians and vehicular traffic, where the right-of-ways meet both Oxford and Vincent Streets, car parking, litter and antisocial behaviour (to reasonable levels) associated with the proposed development and associated usage of the balconies shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (ii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the western balcony Area 6 on the upper floor being screened on the western side with a screen to the full height from the finished balcony floor level;*
 - (b) significant design features being incorporated into the eastern and western elevations of the bottle shop to reduce the visual impact of these walls; and*
 - (c) the building facade including the wall tiles for the "The Verandah Area 5" on the ground floor being retained in its current form as far as practicable and generally in accordance with the Development Application drawings."*

The revised plans shall not result in any greater variation to the requirements of the Town Planning Scheme No.1 and the Town's Policies;

- (iii) the development and any openings to the balconies 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 and report are to be at the applicant's/owner(s)' costs;*

- (iv) *the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (v) *prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works when the Other Regional Road Reservation along Vincent Street is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) *the current maximum accommodation numbers will be reassessed as a result of the proposed redevelopment, and application must be made to Construct, Extend or Alter a Public Building (Form 1) and for a Certificate of Approval to be issued (Form 2) in accordance with the Health (Public Buildings) Regulations 1992 (as amended). All areas of the existing Public Building that are being altered, and all newly extended or constructed areas are to be assessed on-site at the completion of the redevelopment for Maximum Accommodation Numbers so that the Certificate of Approval may be issued prior to first occupation of the development. However, the maximum accommodation for the entire premises is not to exceed 1,965 persons;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Newcastle Street and Vincent Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (ix) *doors and windows and adjacent floor areas fronting Newcastle Street and Vincent Street shall maintain an active and interactive relationship with these streets similar to neighbouring buildings;*
- (x) *a quality archival documented record of the place including photographs, floor plans and elevations), for the Town's Historical Archive Collection shall be submitted to the satisfaction of the Town and approved prior to the issue of a Demolition Licence and or Building Licence;*
- (xi) *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;*

- (xii) *The hours of operation for the balcony Area 5 shall be limited to as follows:*

*Monday-Saturday: 11am to midnight; and
Sunday: 11am to 10pm; inclusive.*

The hours of operation for balcony Areas 6 and 7 are to coincide with the internal space operating hours as per the attachment dated 21 March 2006 for the proposed ground floor and upper floor trading hours, which currently are subject to an ongoing Extended Trading Permit, as follows:

*Friday – Saturday: midnight to 1am; and
Sunday: 10pm to 11pm inclusive.*

However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time;

- (xiii) *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;*
- (xiv) *a detailed landscaping and floodlighting plan for the car parking area, including a schedule of shade trees with a minimum of 1 semi-mature tree per 4 car bays and appropriate floodlighting in accordance with the Australian Standards and the Town's Local Law relating to Floodlighting, 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);*
- (xv) *prior to the first occupation of the development, eight (8) class- one or two, and eight (8) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of 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;*
- (xvi) *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 (\$15,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$15,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xvii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xviii) *visibly identifiable security/crowd controllers shall conduct external surveillance to manage patron behaviour as they arrive and leave the hotel on busy and weekend nights to the satisfaction of the Director Liquor Licensing and the Town;*

- (xix) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xx) *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 Vincent and Newcastle Streets;*
- (xxi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xxii) *the maximum floor space shall be limited as follows:*
- (a) *hotel - 1,671 square metres of public floor area; and*
- (b) *bottle shop - 250 square metres of gross floor area.*

Landowner:	Argyle Holdings Pty Ltd, Tegra Pty Ltd & others
Applicant:	Taylor Robinson Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No.1 (TPS 1): District Centre and Other Regional Road.
Existing Land Use:	Hotel
Use Class:	Hotel
Use Classification:	"SA"
Lot Area:	5367 square metres
Access to Right of Way	South of car park side, 3 metres wide, sealed, Town owned

BACKGROUND:

- 23 August 1999 The Council at its Ordinary Meeting conditionally approved the additions of eating house and tavern to existing hotel and alterations and additions to existing bottle shop (Leederville Hotel).
- 12 December 2001 The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel, tavern, eating house and bottle shop.
- 28 May 2002 The Council at its Ordinary Meeting refused an application for alfresco dining on the footpath within the Newcastle Street road reserve.
- 25 June 2002 The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel and associated car parking.
- 7 October 2003 The Council at its Ordinary Meeting resolved to receive the Leederville Hotel written submission for Extended Trading Permit, not support on-going extended trading hours, and that the Director of Liquor Licensing be advised that due consideration be given to the objection received by the Town.

- 22 June 2004 The Council at its Ordinary Meeting resolved to amend the "Land Use Parking Requirement Table", which involved increasing the car parking requirements for hotel from 1 car bay per 4 .5 square metres of gross public assembly floor area to 1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is greater.
- 10 August 2004 The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing canopy, alterations and additions to existing hotel.
- 14 December 2005 The proposal was referred to the Department for Planning and Infrastructure (DPI) for comments.
- 9 May 2006 The Council at its Ordinary Meeting conditionally approved proposed partial demolition, additions and alterations to existing hotel, bottle shop and alterations to car parking area and crossovers at the above site.
- 4 August 2006 The Town has received a copy of the review application dated 31 July 2006, submitted to State Administrative Tribunal (SAT) from the applicant relating to conditions imposed by the Council at its Ordinary Meeting held on 9 May 2006.

DETAILS:

The applicant has also requested that the Council reconsider the following conditions (ii) (c), (iv), (vi), (ix) and (xxiii) imposed at its Ordinary Meeting held on 9 May 2006, which are as follows:

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

- (a) the western balcony Area 6 on the upper floor being screened on the western side with a screen to the full height from the finished balcony floor level; and;*
- (b) significant design features being incorporated into the eastern and western elevations of the bottle shop to reduce the visual impact of these walls; and*
- (c) The building facade for the "The Verandah Area 5" on the ground being retained in its current form.*

The revised plans shall not result in any greater variation to the requirements of the Town Planning Scheme No.1 and the Town's Policies;"

"(iv) the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;"

"(vi) *the current maximum accommodation numbers will be reassessed as a result of the proposed redevelopment, and application must be made to Construct, Extend or Alter a Public Building (Form 1) and for a Certificate of Approval to be issued (Form 2) in accordance with the Health (Public Buildings) Regulations 1992 (as amended). All areas of the existing Public Building that are being altered, and all newly extended or constructed areas are to be assessed onsite at the completion of the redevelopment for Maximum Accommodation Numbers so that the Certificate of Approval may be issued prior to first occupation of the development;*"

"(ix) *doors and windows and adjacent floor areas fronting Newcastle Street and Vincent Street shall maintain an active and interactive relationship with these streets;*"

"(xxiii) *in accordance with the Health (Public Buildings) Regulations 1992, patron numbers should not exceed 1800 persons, based on a preliminary desktop assessment. Consideration of numbers in excess of 1800 persons in accordance with the Health (Public Buildings) Regulations 1992, will require a further report to the Council for further consideration.*"

PREVIOUS ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
No of Storey (Building)	2 storeys	Existing two-storey building being retained and additional ground floor area.	Supported-as the additional internal area associated with the hotel is not considered as a building, but rather as an enclosure along Newcastle Street. The applicant has indicated that in the medium to longer term a more intensified use would be considered for the eastern side of the hotel.
Awning	For new extensions	Not provided	Supported-the structure is an open area and considered as enclosure, and as such would not cause undue impact on the streetscape.
Drive-Through Bottle Shop	<ul style="list-style-type: none"> Additions within lot boundaries 	<ul style="list-style-type: none"> Partly within the area reserved for future road widening along Vincent Street. 	<ul style="list-style-type: none"> Supported- See "Comments" section

	<ul style="list-style-type: none"> • 40 per cent clear glazing along Vincent Street frontage 	<ul style="list-style-type: none"> • Less than 40 per cent clear glazing 	<ul style="list-style-type: none"> • Supported-as the applicant is proposing glass along the Vincent Street frontage, and has stated that various types of quality graphic images (example attached) will be installed behind the reflective glass due to the nature of the business and the associated security concerns.
Consultation Submissions			
Support (5)	<ul style="list-style-type: none"> ▪ No additional comments we restated in the submission forms received 		Noted
Objection (1)	<ul style="list-style-type: none"> ▪ Objection to the balcony to the western side of the hotel, as the "fact" being user of this balcony (Area 6) are likely to throw cans, bottles and rubbish onto the roof of No.128 Oxford Street. This type of problem has been previously experienced, as such the adjoining land owners do not want this problem to increase further. 		Supported-as such a condition has been recommended that a 1.8 metre wall is built along the western boundary to balcony (Area 6).
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

Car Parking

Requirements	Required No. of Car bays
Retail: 1 car bays per 15 square metres of gross floor area (proposed 250 square metres). Hotel: 1 space per 3.8 (1671) square metres of public floor area.	16.67 car bays 439.74 car bays
Note: 1 car bay per 4.5 patrons (2115 patrons) is not being used as the patron numbers are likely to be reduced, as a result of the redevelopment of the site.	
Total car parking required before adjustment factor (nearest whole number)	456 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop). ▪ 0.80 (within metres to a Rail station). ▪ 0.85 (within 400 metres of a car park with 75 car bays). ▪ 0.90 (District Centre). ▪ 0.95 (bicycle facilities). 	(0.49419) 225.35 car bays
Minus 101 car bays provided on-site and 366 car bays shortfall as stated in the "Comments" section.	467 car bays
Resultant surplus	241.65 car bays

Bicycle Parking		
Requirements	Required	Provided
Retail (Bottle Shop) 1 space per 300 (proposed 250) square metres gross floor area (class 1 or 2). 1 space per 200 (proposed 150) square metres gross floor area open to public (class 3).	0.83 space. 0.75 space.	Location indicated on site plan (numbers not provided).
Hotel 1 space per 25 (proposed 120) square metres of bar floor area and 1 per 100 (proposed 650) square metres of lounge and beer garden (class 1 or 2). 1 space per 25 (proposed 120) square metres of bar floor area and 1 per 100 (proposed 650) square metres of lounge and beer garden (class 3).	14.58 spaces. 14.58 spaces.	As above. As above.

* 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 development requires the provision of 15 class 1 or 2 and 15 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 8 class 1 or 2 and 8 class three bicycle facilities. On the above basis, end of trip facilities are also considered not required in this instance. Should a demand arise for additional bicycle facilities, these should then be installed by the hotel owners. As such, an appropriate condition should be applied accordingly.

COMMENTS:

A subsequent meeting was convened with the Town's Manager Health Services, Principal Planning Officer (Statutory), owners, architect and planning consultant with a view of clarifying the five subject conditions. Although a State Administrative Tribunal Review Application has been registered on 31 July 2006, the applicants' expressed preference was to resolve these matters with the Council directly by tabling the consented amendments as below. The owners/applicants have confirmed in writing that they are agreeable with the proposed changes as recommended by the Town's Officers.

Subsequently, the following minor modification are recommended to the previous conditions to provide a greater sense of clarity to the applicants, which are as follows:

Condition (ii) (c) to be reworded as follows, as it is not to be used as a place for smokers as earlier perceived and will provide an entry to the new verandah area:

"(ii)(c) the building facade for the "The Verandah Area 5" on the ground being retained in its current form as far as practicable and generally in accordance with the Development Application drawings;"

Condition (iv) as follows remains unchanged:

"(iv) the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;"

Condition (vi) to be reworded as follows:

"(vi) the current maximum accommodation numbers will be reassessed as a result of the proposed redevelopment, and application must be made to Construct, Extend or Alter a Public Building (Form 1) and for a Certificate of Approval to be issued (Form 2) in accordance with the Health (Public Buildings) Regulations 1992 (as amended). All areas of the existing Public Building that are being altered, and all newly extended or constructed areas are to be assessed onsite at the completion of the redevelopment for Maximum Accommodation Numbers so that the Certificate of Approval may be issued prior to first occupation of the development. However, the maximum accommodation for the entire premises is not to exceed 1,965 persons;"

Condition (ix) to be reworded as follows and is self explanatory:

"(ix) doors and windows and adjacent floor areas fronting Newcastle Street and Vincent Street shall maintain an active and interactive relationship with these streets similar to neighbouring buildings;"

Condition (xxiii), as detailed below, is proposed to be deleted as the initial indicative desktop assessment of a maximum of 1,800 persons reported a limitation of toilets and exit widths that has been rectified in the revised plan to achieve a consented cap or maximum accommodation of 1,965 persons (down from the current 2,115 persons) and as condition (vi) already deals with the Health (Public Buildings) Regulations 1992 (as amended) and requires determination after completion.

"(xxiii) in accordance with the Health (Public Buildings) Regulations 1992, patron numbers should not exceed 1800 persons, based on a preliminary desktop assessment. Consideration of numbers in excess of 1800 persons in accordance with the Health (Public Buildings) Regulations 1992, will require a further report to the Council for further consideration."

Additional toilets (two water closets and one urinal) and an increase in three (3) exit widths (to 3.7 metres, 3.3 metres and 4 metres) have been proposed in plans dated 14 August 2006 to achieve a more acceptable patron cap of 1,965 persons, down from the current 2,115 persons.

The applicants have advised that the first Directions Hearing of the State Administrative Tribunal has been postponed for a month pending the outcome of this proposal.

As the health and planning conditions clarifications are considered relatively minor, approval of the amended conditions is recommended.

10.1.2 Further Report- No. 27 (Lot 6 D/P: 3660) Knutsford Street, North Perth- Proposed Additional Three (3) Two-Storey Grouped Dwellings and Alterations and Additions to Existing Single House (Application for Retrospective Approval) and Reconsideration of Condition

Ward:	North	Date:	14 August 2006
Precinct:	North Perth; P8	File Ref:	PRO1217; 5.2005.3323.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by I Mikic on behalf of the owner TT Marchese for proposed Additional Three (3) Two-Storey Grouped Dwellings and Alterations and Additions to Existing Single House (Application for Retrospective Approval) and Reconsideration of Condition, at No. 27 (Lot 6 D/P: 3660) Knutsford Street, North Perth, and as shown on plans stamp-dated 6 December 2005, subject to the following conditions:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *the street/front wall, fence and gate between the Knutsford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 3.0 metres by 3.0 metres truncation where the right of way intersects with Knutsford Street. No structure shall be permitted in the truncation;*

- (c) *a pedestrian access way of a minimum width of 1.5 metres shall be provided and constructed adjacent to the southern boundary to the proposed rear Lots 2 and 3. These works shall be undertaken to the specifications of and supervised by the Town, at the applicant's/owner(s)' full expense; and*
- (d) *first obtaining the consent of the owners of No. 31 Knutsford 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. 31 Knutsford Street in a good and clean condition;*
- (ii) *the Council ADVISES the applicant and owners that the above works shall be completed within sixty (60) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this sixty (60) days period; and*
- (iii) *the Council ADVISES the applicant and owner that the Jacaranda tree along the northern boundary of the existing dwelling lot (proposed Lot 4) can be removed.*
-

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That clause (i)(b)(5) be amended to read as follows:

- “(i) (b) (5) *the provision of a minimum ~~3.0~~ 1.5 metres by ~~3.0~~ 1.5 metres truncation where the right of way intersects with Knutsford Street. ~~No structure shall be permitted~~ Walls, fences and gates may be located within the truncation area where the maximum height of the solid portion is 0.65 metres above the adjacent footpath level and right of way level;”*

Cr Doran-Wu departed the Chamber at 7.16pm.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.2

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by I Mikic on behalf of the owner TT Marchese for proposed Additional Three (3) Two-Storey Grouped Dwellings and Alterations and Additions to Existing Single House (Application for Retrospective Approval) and Reconsideration of Condition, at No. 27 (Lot 6 D/P: 3660) Knutsford Street, North Perth, and as shown on plans stamp-dated 6 December 2005, subject to the following conditions:*

- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (b) *the street/front wall, fence and gate between the Knutsford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where the right of way intersects with Knutsford Street. Walls, fences and gates may be located within the truncation area where the maximum height of the solid portion is 0.65 metres above the adjacent footpath level and right of way level;*
- (c) *a pedestrian access way of a minimum width of 1.5 metres shall be provided and constructed adjacent to the southern boundary to the proposed rear Lots 2 and 3. These works shall be undertaken to the specifications of and supervised by the Town, at the applicant's/owner(s)' full expense; and*
- (d) *first obtaining the consent of the owners of No. 31 Knutsford 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. 31 Knutsford Street in a good and clean condition;*
- (ii) *the Council ADVISES the applicant and owners that the above works shall be completed within sixty (60) days of notification, and the Council AUTHORISES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this sixty (60) days period; and*
- (iii) *the Council ADVISES the applicant and owner that the Jacaranda tree along the northern boundary of the existing dwelling lot (proposed Lot 4) can be removed.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 23 May 2006 considered the subject proposal and resolved the following:

"That the Item be DEFERRED to allow for further investigation regarding the pedestrian accessway/permanent easement and discussion with the applicant."

The applicant has since submitted a plan indicating the locations of services. This plan is attached for the Council's consideration. The Town's Officers has also met with the applicant on-site and upon further assessment, recommends the following in relation to the pedestrian accessway, truncation, fill, fence and the reconsideration of condition which has since been requested by the applicant and as outlined below.

Pedestrian Accessway and Truncation - Technical Services

In relation to condition (i)(b)(5) of the Officer Recommendation, this condition is in accordance with the Town's Policy 2.2.13 "Corner Truncations at Street Intersections".

This matter was conditioned on the Building Licence to ensure the safety of pedestrians and other road users are not compromised.

In relation to condition (i) (c) of the Officer Recommendation, it is advised that a pedestrian access way is in addition a service corridor. Utility providers will not install infrastructure in a right of way. Where subdivision creates strata lots without direct access to a dedicated road, services to the rear lots must be carried through a "corridor" to the dedicated road. In this case, the appropriate corridor should be extended through units A and B to unit C.

With no provision of a service corridor (which usually doubles as pedestrian access), services to units B and C will be fenced within the boundary of unit A. Any future maintenance to these services will require access within the boundary of unit A and would subsequently constitute an intrusion on the quiet enjoyment of that property. Furthermore, should the strata subdivision be approved as proposed, Alinta will not carry out any maintenance on the gas services to Unit A or B, as a minimum width between a building and boundary fencing of 2 metres is required to eliminate the risk of gas "pooling" should damage occur to pipes or fittings.

Should the service corridor be omitted, future residents of unit A must be made aware that the 1.0 metre strip running from Knutsford Street to the rear units houses gas, power and telecommunications services to the rear units. This can be achieved by the imposition of an easement in favour of units B and C over the service corridor in Unit A, and an easement in favour of unit C over the service corridor in Unit B.

In this particular survey strata subdivision, pedestrian access is available to the rear lots, however pedestrians must walk on the right of way (ROW). There is no constructed footpath or lighting in the right of way, and no vehicle parking will be permitted in the ROW. The 1.0 metre wide pedestrian access way was requested to improve pedestrian safety. As this ROW is 7 metres wide, a satisfactory alternative would be the installation of a 1.5 metres wide footpath adjacent to the units and within the ROW, which would be constructed at the developer's full cost, estimated to be approximately \$1800.00. Given the right of way will be utilised for pedestrian access, the Town's Technical Services considers a 3.0 metres by 3.0 metres truncation to be appropriate in the interest of pedestrian safety.

Accordingly, the above matters have been conditioned accordingly.

Fence

The applicant has agreed for this matter to be conditioned to comply.

Fill

It is considered that reducing the fill will have minimal impact on the streetscape in terms of street interaction and casual surveillance and will create a less usable/functional outdoor living area for the occupiers of the dwelling. It is also noted that there will be no visual impact of the fill as it is concealed by the fence. In light of this, the current fill on site is supported.

Reconsideration of Condition - Tree

The applicant has requested the deletion of the following condition (i)(a) of the previous approval :

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

(a) the retention and protection of the jarrah and jacaranda trees on the site adjacent to the northern boundary considered to be of significance;

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

The Town's Parks Services have advised that it supports the removal of the jacaranda tree on the existing dwelling lot (proposed Lot 4) along the northern boundary. It is noted that this tree is in front of a garage opening.

In light of the above, the Officer Recommendation has been amended to reflect the above. The proposal description has also been amended to include the alterations and additions to the existing house.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 23 May 2006.

"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 I Mikic on behalf of the owner TT Marchese for proposed Additional Three (3) Two-Storey Grouped Dwellings to Existing Single House (Application for Retrospective Approval), at No. 27 (Lot 6 D/P: 3660) Knutsford Street, North Perth, and as shown on plans stamp-dated 6 December 2006, subject to the following conditions:

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

(b) the street/front wall, fence and gate between the Knutsford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:

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

- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- (c) *a pedestrian access way of a minimum width of 1.0 metre being provided and constructed from Knutsford Street to the proposed rear lots;*
 - (d) *no fill exceeding 0.5 metre within four metres of the Knutsford Street boundary; and*
 - (e) *first obtaining the consent of the owners of No. 31 Knutsford 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. 31 Knutsford Street in a good and clean condition; and*
- (ii) *the Council ADVISES the applicant and owners that the above works shall be completed within sixty (60) days of notification, and the Council AUTHORISES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this sixty (60) days period.*
-

Cr Farrell departed the Chamber at 7.44pm.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Farrell returned to the Chamber at 7.45pm.

Moved Cr Maier, Seconded Cr Messina

That clause (i)(c) be deleted.

At 7.53pm Moved Cr Lake, Seconded Cr Torre

That Standing Orders be suspended to allow the Council to confirm some details with the applicant.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Mr Marchese addressed the Council and answered questions.

Debate ensued.

At 7.58pm Moved Cr Messina, Seconded Cr Torre

That Standing Orders be resumed.

CARRIED (8-0)

(Cr Ker on leave of absence.)

The amendment was not dealt with and a deferral motion was put.

Moved Cr Messina, Seconded Cr Torre

That the Item be DEFERRED to allow for further investigation regarding the pedestrian accessway/permanent easement and discussion with the applicant.

CARRIED (8-0)

(Cr Ker on leave of absence.)

<i>Landowner:</i>	<i>TT Marchese</i>
<i>Applicant:</i>	<i>I Mikic</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40</i>
<i>Existing Land Use:</i>	<i>Grouped Dwellings</i>
<i>Use Class:</i>	<i>Grouped Dwellings</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>1009 square metres</i>
<i>Access to Right of Way</i>	<i>South side, 7.0 metres wide, sealed, privately- owned</i>

BACKGROUND:

26 July 2002 *The Council at its Ordinary Meeting conditionally approved the demolition of the existing dwelling and the construction of three (3) two-storey grouped dwellings on the subject site.*

8 October 2002 *The Council at its Ordinary Meeting conditionally approved proposed additional three (3) two-storey grouped dwellings and carport addition to the existing dwelling, on the subject site.*

11 May 2004

The Council at its Ordinary Meeting conditionally approved an application for proposed additional three, two-storey grouped dwellings and carport addition to the existing single house at the subject site.

DETAILS:

The proposal involves additional three (3) two-storey grouped dwellings to existing single house (application for retrospective approval) at the subject property. The main works which have been undertaken in contravention to the previous planning approval plans became evident to the Town during the processing of a related subdivision plan and are summarised as follows:

Existing House:

- *shower addition to laundry;*
- *new window to laundry;*
- *external brick work finish instead of timber cladding (laundry enclosure);*
- *storeroom to northern boundary;*
- *patio addition;*
- *door addition to dining room; and*
- *non-compliant street fencing.*

Unit A:

- *garage door relocated;*
- *wrought iron balcony balustrading instead of solid balustrading;*
- *non-compliant street fencing;*
- *enclosure of previous approved pedestrian access way; and*
- *garage flushed against boundary as opposed to previously approved 150 millimetre setback.*

Unit B and C:

- *flat roof to patio in lieu of previously approved dome roof; and*
- *0.9 metre high retaining wall built in rear patio area.*

Unit C:

- *1.2 metres -1.3 metres high retaining wall built in rear (north) and side (east and west) garden areas.*

The additional variations sought to the development requirements from the previously approved plans are outlined in the 'Assessment Table' below.

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>4 dwellings R 40 (as proposal retains existing dwelling)</i>	<i>4 dwellings R 40</i>	<i>Supported- as there is no variation.</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>

<i>Street Wall/Fences</i>	<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 the 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.</i>	<i>Fence up to 2.6 metres and not visually permeable with a minimum 50 per cent transparency, above 1.2 metres.</i>	<i>Not supported- as undue impact on streetscape and, therefore, has been conditioned accordingly.</i>
<i>Buildings on Boundaries (existing residence).</i>	<i>One boundary wall</i>	<i>Two boundary walls proposed</i>	<i>Supported - as no undue impact, no objection has been received by affected neighbour and compliant with R-Codes Cl 3.3.2 - Buildings on Boundaries.</i>
<i>Fill /Excavation</i>	<i>Not to exceed 0.5 metre between the street alignment and building</i>	<i>Fill up to 0.9 metre (Unit A) and excavation up to 0.66 metre (existing residence) between the street alignment and building.</i>	<i>Supported in part- as the fill is not supported as it results in undue impact on streetscape and, therefore, no fill exceeding 0.5 metre within four metres (to allow for retention of house) of the Knutsford Street boundary has been conditioned accordingly . The excavation is supported as it is considered a minor variation in this instance and no undue impact on streetscape.</i>
<i>Pedestrian Access</i>	<i>1.0 metre (as previously approved)</i>	<i>Not provided</i>	<i>Not supported- pedestrian access way is required for services, service authorities access and pedestrian safety.</i>

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

* *The 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:

Subject to the above matters relating to street fencing, fill and the pedestrian accessway being addressed, the proposal is considered acceptable. Accordingly, approval is recommended subject to standard and appropriate conditions.

It is further recommended that the Chief Executive Officer be authorised to continue legal proceedings should the required works have not been undertaken within 60 days."

10.1.3 Further Report - Nos. 37-39 (Lot 93 D/P: 613) Money Street, Perth - Proposed Change of Use from Single House to Lodging House and Associated Alterations, and Increase in Total Number of Lodgers from Forty-Five (45) to Eighty (80), at the Existing Lodging House at Nos. 41-43 (Lot 94) Money Street, Perth and the Proposed Lodging House at Nos. 37-39 (Lot 93) Money Street, Perth

Ward:	South	Date:	15 August 2006
Precinct:	Beaufort; P13	File Ref:	PRO2663; 5.2005.3238.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M A Waters on behalf of the owner Backpack Pty Ltd for proposed Change of Use from Single House to Lodging House and Associated Alterations at Nos. 37-39 (Lot 93) Money Street Perth, and Increase in Total Number of Lodgers from Forty-Five (45) to Eighty (80), at the Existing Lodging House at Nos. 41-43 (Lot 94) Money Street, Perth and the Proposed Lodging House at Nos. 37-39 (Lot 93) Money Street, Perth and as shown on plans stamp-dated 27 October 2005, subject to the following conditions:

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

- (iii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) *prior to the issue of a Building Licence, or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following;*
- (a) *adequate landscaping to screen communal spaces from adjoining properties; and*
- (b) *communal spaces to be sufficiently equipped with seating and tables.*
- The revised plans shall not result in any greater variation to the requirements of the Towns Policies. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *the applicant/owner shall pay a cash-in-lieu contribution of \$19,162 for the equivalent value of 7.37 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (vi) *the lodging house at Nos. 37-39 (Lot 93) Money Street, Perth shall accommodate a maximum of 48 lodgers at any one time and the lodging house at Nos. 41-43 (Lot 94) Money Street, Perth shall accommodate a maximum of 32 lodgers at any one time;*
- (vii) *a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (viii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first:*
- (a) *the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence or first occupation of the development, whichever occurs first. All costs associated with this condition shall be borne by the applicant/owner(s); OR*
- (b) *the owner(s) shall enter into a legal agreement and lodge an appropriate assurance bond/bank guarantee, with or register a grant of easement on the subject land in favour of the Town and to its satisfaction, to provide rights of access to/from and use of a minimum 5 car parking bays on Nos. 41 - 43 (Lot 94) Money Street, Perth. The subject access and 5 car parking bays are to be provided at no costs for use by the employees, customers and visitors of the lodging house at Nos. 37 - 39 (Lot 93) Money Street, Perth. The legal agreement shall be secured by a caveat while the grant of easement shall be registered on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition being borne by the applicant/owners(s); and*

- (ix) *the lodgers may stay at the subject lodging house for a maximum period of three consecutive months.*
-

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Cr Doran-Wu returned to the Chamber at 7.20pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Chester

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

- "(x) *this approval for the subject change of use and increase in total number of lodgers is for a period of 12 months only and should the applicant wish to continue this use and the increased number of lodgers after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of this use and the increased number of lodgers.*"

Debate ensued.

AMENDMENT LOST (3-6)

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

Debate ensued.

MOTION AS AMENDED LOST (0-9)

Reasons:

1. **Negative impact on local amenity.**
 2. **Consideration of objections received.**
 3. **Conflict the objectives of the Town's Policy relating to Non-Residential/Residential Interface.**
 4. **Insufficient facilities in the proposed lodging house.**
-

FURTHER REPORT:

The Council at its Ordinary Meeting held on 11 July 2006 considered the subject proposal and resolved the following:

"That Item 10.1.10 be DEFERRED at the request of the applicant to allow consideration of a preliminary parking and traffic study which was submitted with the development application."

The applicant has requested that the Council consider its 'Traffic Conditions' justification in the submission, which has been provided as an attachment to this report. In light of this justification provided, the applicant requests the Council to waive the cash-in-lieu of car parking which forms part of the Officer Recommendation.

The summary of the applicant's Traffic Conditions states as follows:

"Through the findings of the traffic survey, it is submitted that at present, there is very minimal dependence of the lodgers on private vehicles. Furthermore, the survey illustrates the primary transport use for the subject is pedestrian modes. Given the abovementioned percentage data, it is submitted that an increase in capacity shall not impact on the parking provision, nor will there be a need to increase the amount of on-site parking within Money Street. It is submitted that the increase in patrons shall be spread across two dwellings. This is different to the current situation where all the survey data collected through the single dwelling. The effects (if any) of an increase shall be softened by distributing the increase in capacity from 45 to 80 patrons across the two dwellings. Therefore, it can be submitted that an increase in capacity shall not significantly impact on the traffic situation of the subject site or its surroundings".

The Town's Parking and Access Policy states the following in relation to alternative transport use:

"Alternative Transport Use

A reduction in the number of parking bays required may be considered by the Council where the applicant/developer provides evidence that alternative transport modes will be encouraged and used by employees, clients, and/or customers of the subject development. This evidence should be presented in the form of a detailed substantiated report, and include the implementation of initiatives such as discounted public transport tickets, high occupancy vehicle car bays (to encourage car pooling), a shuttle bus or similar service, free/hire bicycles, or similar schemes. The number of car bays discounted will be at the discretion of the Council."

In light of the above, the justification provided by the applicant is considered to be insufficient to warrant the cash-in-lieu to be waived; therefore, the Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 11 July 2006:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M A Waters on behalf of the owner Backpack Pty Ltd for proposed Change of Use from Single House to Lodging House and Associated Alterations at Nos. 37-39 (Lot 93) Money Street Perth, and Increase in Total Number of Lodgers from Forty-Five (45) to Eighty (80), at the Existing Lodging House at Nos. 41-43 (Lot 94) Money Street, Perth and the Proposed Lodging House at Nos. 37-39 (Lot 93) Money Street, Perth and as shown on plans stamped 27 October 2005, subject to the following conditions:

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

The revised plans shall not result in any greater variation to the requirements of the Towns Policies. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);
- (v) *the applicant/owner shall pay a cash-in-lieu contribution of \$19,162 for the equivalent value of 7.37 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (vi) *the lodging house at Nos. 37-39 (Lot 93) Money Street, Perth shall accommodate a maximum of 48 lodgers at any one time and the lodging house at Nos. 41-43 (Lot 94) Money Street, Perth shall accommodate a maximum of 32 lodgers at any one time;*
- (vii) *a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*

- (viii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first:*
- (a) *the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence or first occupation of the development, whichever occurs first. All costs associated with this condition shall be borne by the applicant/owner(s); OR*
 - (b) *the owner(s) shall enter into a legal agreement and lodge an appropriate assurance bond/bank guarantee, with or register a grant of easement on the subject land in favour of the Town and to its satisfaction, to provide rights of access to/from and use of a minimum 5 car parking bays on Nos. 41 - 43 (Lot 94) Money Street, Perth. The subject access and 5 car parking bays are to be provided at no costs for use by the employees, customers and visitors of the lodging house at Nos. 37 - 39 (Lot 93) Money Street, Perth. The legal agreement shall be secured by a caveat while the grant of easement shall be registered on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition being borne by the applicant/owners(s); and*
- (ix) *the lodgers may stay at the subject lodging house for a maximum period of three consecutive months.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Maier, Seconded Cr Torre

That Item 10.1.10 be DEFERRED at the request of the applicant to allow consideration of a preliminary parking and traffic study which was submitted with the development application.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

<i>Landowner:</i>	<i>Backpack Pty Ltd</i>
<i>Applicant:</i>	<i>M A Waters</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Lodging House</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>Lot 93 - 486 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

2 June 2005

An application for change of use from residential to lodging house, and increase in total number of lodgers from thirty-two (32) to eighty (80), between the existing lodging house at Nos. 41-43 (Lot 94) Money Street Perth and the proposed lodging house at Nos. 37-39 (Lot 93) Money Street Perth was deemed refused under delegated authority, as the Town did not receive information that was requested on 25 October 2004 and 17 May 2005 and the 60 day period within which the application was required to be determined had expired.

DETAILS:

The proposal involves change of use from residential to lodging house at Nos. 37-39 (Lot 93) Money Street, Perth, and increase in total number of lodgers from forty-five (45) to eighty (80), at the existing lodging house at Nos. 41-43 (Lot 94) Money Street, Perth and the proposed lodging house Nos. 37-39 (Lot 93) Money Street, Perth.

The applicant requested that the cash-in-lieu of car bays be waived by the Council as the applicant believes there is ample street parking, public parking and public transport in the area. Furthermore, the applicant suggests that the majority of backpackers do not use private motor vehicles and generally rely on public transport.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Communal Space for Lodging Houses, Hostels and Serviced Apartments</i>	<i>Landscaping to be provided to screen communal spaces from adjoining properties and/or adjoining public area and to enhance the amenity of the property.</i>	<i>Nil provided.</i>	<i>Not supported - as undue impact on adjoining properties and has been addressed in condition (iv) of the Officer Recommendation.</i>
	<i>All communal spaces to be equipped with seating and tables.</i>	<i>Nil provided.</i>	<i>Not supported - inadequate amenities provided for lodgers and has been addressed in condition (iv) of the Officer Recommendation.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objections (9)</i>	<ul style="list-style-type: none"> <i>The appearance of the backpackers is 'scruffy' and does not fit in with the streetscape.</i> 		<i>Not supported - proposal is not considered to have an undue impact on the streetscape and is addressed in the applicant's submission.</i>

	<ul style="list-style-type: none"> • <i>Car parking shortfall.</i> • <i>Noise issues from drunken patrons, party buses late at night and tour buses early in the morning.</i> • <i>Non-compliance with the Town's Policies.</i> • <i>Property values would decrease.</i> • <i>Anti-social behavior from patrons.</i> 	<p><i>Not supported - addressed in Car Parking comments and condition (v) of the Officer Recommendation and applicant's submission.</i></p> <p><i>Not supported - addressed in the applicant's submission/management statement and further addressed in condition (vii) of the Officer Recommendation.</i></p> <p><i>Not supported - addressed in the Assessment Table.</i></p> <p><i>Not supported - not a major planning consideration.</i></p> <p><i>Not supported - addressed in the applicant's submission/management statement and further addressed in condition (vii) of the Officer Recommendation.</i></p>
	<ul style="list-style-type: none"> • <i>Security issues.</i> • <i>No staff on the premises at night.</i> • <i>Subject premises has been operating as a backpackers previously.</i> 	<p><i>Not supported - as there will be an increase in passive surveillance in the street and addressed in the applicant's submission/management statement.</i></p> <p><i>Not supported - the applicants have outlined in their submission that a night manager is always on duty at the premises and the proprietor is available at any time to respond to any urgent matters.</i></p> <p><i>Not supported - a site inspection on 3 April 2006 by the Town's Officers indicated that the subject premises were not operating as a 'lodging house'.</i></p>

	<ul style="list-style-type: none"> • <i>Concerns management plan will not be able to control noise or patrons.</i> • <i>Increase in traffic.</i> • <i>Increase in pedestrian traffic.</i> • <i>Concerns backpackers may be used as 'long term' tenants.</i> • <i>Undue impact on amenity.</i> • <i>Rubbish being thrown over fences.</i> • <i>People jumping over the fence to retrieve missing items.</i> 	<p><i>Not supported - addressed in condition (vii) of the Officer Recommendation and applicants are required to comply with the subject condition of Planning Approval.</i></p> <p><i>Not supported - proposal is not considered to result in an increase in the traffic in the area as backpackers are not considered to rely on the use of private motor vehicles, and is addressed in the applicant's submission/management statement.</i></p> <p><i>Noted - however not considered to have an undue impact on the streetscape, surrounding properties or amenity. Is considered beneficial for the surrounding commercial uses.</i></p> <p><i>Not supported - however addressed in condition (ix) of the Officer Recommendation.</i></p> <p><i>Not supported - as proposal is not considered to have an undue impact on the streetscape or surrounding amenity.</i></p> <p><i>Not supported - not a major planning consideration and has been addressed in the applicant's submission/management plan.</i></p> <p><i>Not supported - not a major planning consideration and has been addressed in the applicant's submission/management statement.</i></p>
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<i>Other Implications</i>	
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>	<i>Nil</i>
<i>Financial/Budget Implications</i>	<i>Nil</i>
<i>Car Parking</i>	
<i>Car Parking Requirement (nearest whole number) -1 space per bedroom or 1 space per 3 beds provided, whichever is the greater (Total: 80 beds = 27 car bays)</i>	<i>27 car bays</i>
<i>Apply the adjustment factors</i>	<i>(0.614125)</i>
<ul style="list-style-type: none"> ▪ <i>0.85 (within 400 metres of a bus stop)</i> ▪ <i>0.85 (within 400 metres of one or more existing public car parks with in excess of 75 spaces)</i> ▪ <i>0.85 (within 800 metres of a rail station)</i> 	<i>16.58 car bays</i>
<i>Minus car parking on-site</i>	<i>5 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall - based on existing number of lodgers (45) at Nos. 41-43 (Lot 94) Money Street, Perth and adjustment factors</i>	<i>4.21 car bays</i>
<i>Resultant shortfall</i>	<i>7.37 car bays</i>

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

COMMENTS:

Car Parking

The proposed lodging house will result in a car parking shortfall of 7.37 car bays, after the application of adjustment factors. This shortfall can be addressed as a cash-in-lieu contribution.

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

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

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

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2005/2006 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

- 1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.*
- 2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2006/2007 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.*

3. *Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.*

SUMMARY:

The proposal is supported as it is not considered to unduly impact the amenity of the adjacent or surrounding properties and is compliant with the Town's Beaufort Precinct Policy.

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

10.1.4 Nos. 35-37 (Lots 171 and 172) Eton Street, North Perth - Proposed Demolition of Existing Warehouse and Construction of Two (2) Single Storey Single Houses

Ward:	North	Date:	14 August 2006
Precinct:	North Perth - P8	File Ref:	PRO3600; 5.2006.251.1
Attachments:	001 002		
Reporting Officer(s):	D Abel, S Kendall		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Tatasciore on behalf of the owner Maritat Nominees Pty Ltd for proposed Demolition of Existing Warehouse and Construction of Two (2) Single Storey Single Houses, at Nos. 35-37 (Lots 171 and 172) Eton Street, North Perth and as shown on plans stamp-dated 29 May 2006, subject to the following conditions:

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

- (v) *first obtaining the consent of the owners of No. 33 (Lot 170) Eton Street for entry onto their land the owners of the subject land shall finish and maintain the southern surface of the boundary (parapet) wall facing No. 33 (Lot 170) Eton Street in a good and clean condition;*
- (vi) *first obtaining the consent of the owners of No. 35 (Lot 171) Eton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls in a good and clean condition; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the building setback from the ensuite to the southern side boundary at No. 35 (Lot 171) Eton Street being a minimum of 1.5 metres; and*
- (b) *the boundary walls on both southern boundaries being a maximum building height of 2.7 metres.*

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

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Ker

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

- "(vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the building setback from the ensuite to the southern side boundary at No. 35 (Lot 171) Eton Street being a minimum of 1.5 metres; and*
- (b) *the boundary walls on ~~both~~ the southern boundaries side of Lot 171 being a maximum average building height of 2.7 metres.*

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

Alternatively, the above revised plans are not required if written non-objections to the above variations are obtained from the affected adjoining property owners and occupiers and submitted to the Town."

Debate ensued.

Cr Farrell departed the Chamber at 7.33pm.

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

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

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

Debate ensued.

Cr Farrell returned to the Chamber at 7.40pm.

MOTION CARRIED (7-2)

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

Cr Maier moved a motion that the Presiding Member's ruling be disagreed with, refusing Cr Lake from further debating the item.

Moved Cr Maier, **Seconded** Cr Lake

That the Presiding Member's ruling be disagreed with.

MOTION OF DISSENT LOST (3-6)

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

Landowner:	Maritat Nominees Pty Ltd
Applicant:	A Tatasciore
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Warehouse - Concrete Factory
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1350 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves proposed demolition of existing warehouse and construction of two (2) single storey single houses, where one dwelling is proposed on each green title lot.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Pursuant to Clause 38(5) of TPS 1 Comments
Plot Ratio	N/A	N/A	Noted
Building Setbacks - South Side (Lot 171)	1.5 metres	1.4 metres	Not supported - as the variation is adjacent to an external property boundary. Amended plans to be submitted to comply.
South Side (Lot 172)	1.5 metres	1.4 metres	Supported - as the adjoining property affected by the setback variation is owned by the same persons.
Boundary Walls - South Side (Lot 171)	2.7 metre average height, 3.0 metre maximum height, 9 metres in length to one side boundary	2.75 metre average and maximum height; 6 metres in length, to one side boundary.	Not supported - amended plans to be submitted at Building Licence stage showing compliance to the average wall height requirements, with no further variations.
South Side (Lot 172)	As Above	As Above	Supported - as the adjoining property affected by the wall is owned by the same persons.
Consultation Submissions			
<p>Consultation was not considered to be required as the proposal involves the demolition of a factory/warehouse which has no heritage significance and is not permitted ('X' use) under the current Residential zoning, and the application is to be considered and determined by the Council.</p> <p>However, adjoining owners and the North Perth Precinct Group have been contacted by the Town in order to advise them of the proposal and that the application is being presented to the Council for determination.</p>			

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

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

COMMENTS:

A full Heritage Assessment is contained within the Attachment to this report.

The subject place at Nos.35-37 Eton Street, North Perth is a cement block and iron factory, which was built in the Inter-war Warehouse style of architecture, circa 1929.

In the first half of the twenty-first century the factory was used by a number of different industries with few staying more than two to three years, including the Excelsior Aerated Water Company, the Sanitarium Health Foods Co, a tile manufacturer, furniture manufacturer and a builder.

The factory has simple rectangular façade with a parapet wall, which features two triangular peaks and minimal detail. The original fabric of the factory has undergone a number of alterations over the years, which have lowered the authenticity of place. These alterations include the removal and replacement of the factory's northern wall, alterations to the front and rear elevations and the removal of the original windows and its replacement with aluminium alternatives.

The place is considered to have little historic, aesthetic, social or scientific value. The subject place is considered to have *some rarity and representative value* as it is only one of a few original factory/warehouse structures, remaining within a residential setting in the Town of Vincent. However, the various alterations to the fabric of the place have distorted the appearance and significance of the place.

Overall, it is considered that the place does not meet the minimum criteria of cultural heritage significance for entry into the Town of Vincent Municipal Heritage Inventory. As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved subject to a quality archival record and other standard conditions.

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

10.1.5 No. 386 (Lot 66 D/P: 613) William Street, Perth - Proposed Demolition of Existing Single House

Ward:	South	Date:	14 August 2006
Precinct:	Beaufort; P13	File Ref:	PRO3245; 5.2006.327.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Harden Jones Architects on behalf of the owner Lim and Lim Holdings for proposed Demolition of Existing Single House, at No. 386 (Lot 66 D/P: 613) William Street, Perth, and as shown on plans stamp-dated 4 July 2006, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the 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) 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;*
- (iv) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (v) 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.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.45pm.

Moved Cr Doran-Wu, Seconded Cr Chester

That existing clauses (iii) to (v) be renumbered to clauses (iv) to (vi) and a new clause (iii) be inserted as follows:

“(iii) a development proposal for the redevelopment of the subject property shall be submitted and approved prior to the issue of a Demolition Licence;”

Debate ensued.

Cr Messina returned to the Chamber at 7.49pm.

Cr Chester departed the Chamber at 7.52pm.

Cr Chester returned to the Chamber at 7.53pm.

AMENDMENT CARRIED (6-3)

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

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.5

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 Harden Jones Architects on behalf of the owner Lim and Lim Holdings for proposed Demolition of Existing Single House, at No. 386 (Lot 66 D/P: 613) William Street, Perth, and as shown on plans stamp-dated 4 July 2006, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the 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) a development proposal for the redevelopment of the subject property shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iv) 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;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*

- (vi) *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.*

Landowner:	Lim and Lim Holdings
Applicant:	Harden and Jones Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	493 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the brick and tile dwelling at No.386 William Street, Perth.

On 7 July 2006, the Town received an application for the demolition of the dwelling at No.386 William Street and the construction of a three-storey mixed use development comprising four offices and four dwellings with basement car parking. To address the concerns of the owner and the Town's Health Services, regarding vagrant activity at the site, the demolition aspect of the proposal is being presented to the Council prior to the consideration of the redevelopment proposal.

In this instance, it is considered prudent to expedite the consideration of the demolition aspect of the proposal and for the removal of the Town's standard condition, which requires a redevelopment proposal for the subject property to be approved by the Council prior to the issue of a Demolition Licence.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Support (4)	No reason provided.		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

COMMENTS:

Environmental Health Comments

The above premises has presented significant problems for the Town, Fire Emergency Services Association (FESA), the Western Australian Police and surrounding business owners, since February 2006, due to its use by squatters and drug users. Despite being secured against entry on numerous occasions since February 2006 by both the Town's contractors and the property owner, the premises continue to be re-entered and used by squatters, resulting in nearby business owners contacting the Town and Police Services with complaints regarding alleged unauthorised access. In addition, the building has been set alight on two occasions since February 2006, by users of the building (both occurrences arising after Police attention at the property), requiring FESA to attend and extinguish.

Heritage Comments

A site visit to the subject place at No.386 William Street was undertaken by the Town's Heritage Officers on 1 August 2006. At this time, an internal inspection of the property was not undertaken as the owner had concerns regarding the structural stability of the place, resulting from a series of internal fires and the possible threat of vagrants.

The rendered brick and tile dwelling at No.386 William Street was constructed circa 1908. The general form of the dwelling indicates that it would have been constructed in the Federation Georgian style of architecture. However, numerous alterations and additions over the years, including the replacement of the original roof sheeting and the removal and replacement of the original façade detail, have significantly obscured this reference. The place first appears in the Wise Post Office Directory in 1908, and is associated with Mr William Piper, a carpenter. From this time, the place is associated with a number of different residents including a herbalist who resided at the property from 1919 to 1930. Today, the place is uninhabited and boarded up however, it is understood that the place has recently been used as a brothel.

The subject place is located along the portion of William Street between Monger and Little Parry Streets in Perth. William Street consists of an eclectic mix of buildings that are being used for a range of commercial and short-term residential uses. The subject site is flanked to the north by a car yard and vacant land to the south. The subject place is shielded from the street by a high painted brick wall and is set back approximately 4 metres from this point. The dwelling has a hipped roof form and a flat concrete verandah roof, which extends the width of the façade. The facade has been painted pink and its large replacement windows and doors have been boarded up. The remaining windows around the house have been boarded up.

Although representative of a Federation Georgian residence, the place is not an outstanding example of its type and the alterations and additions that have taken place over the years have further reduced its value in this respect. Overall, the place is considered to have little cultural heritage significance and it is considered that the place does not warrant a full heritage assessment and that approval be granted for the demolition of the place. Images and a partial floor plan, illustrating alterations to the place in 1942, are included within the attachment to this report.

The request for the standard redevelopment proposal condition to be removed from this Planning Approval has been initiated by the Town's Officers. This standard condition, as per Clause 41 of the Town Planning Scheme No.1, is applied to the approval of all demolition within the Town and is intended to stop parcels of land being left vacant and to ensure that the building being demolished is replaced by an appropriate development. Whilst the request to remove the condition is not generally granted, it is considered that, in this instance, as the dwelling has the potential to encourage anti-social behaviour and as a redevelopment proposal has been lodged with the Town, that the condition should be removed, as reflected in the Officer Recommendation.

10.1.6 Nos. 8 - 10 (Lots 46 & 47 D/P: 1210) Byron Street, Leederville - Proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Grouped Dwellings

Ward:	North	Date:	14 August 2006
Precinct:	Leederville; P03	File Ref:	PRO3519; 5.2006.123.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by The Planning Group on behalf of the owners W Atkinson & M Korac for proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Grouped Dwellings, at Nos. 8 - 10 (Lots 46 & 47 D/P: 1210) Byron Street, Leederville, and as shown on plans stamp-dated 9 August 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*
- (ii) any new street/front wall, fence and gate between the Byron Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) first obtaining the consent of the owners of Nos. 6 and 12 Byron 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. 6 and 12 Byron Street in a good and clean condition;*
- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

- (v) *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;*
- (vi) *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);*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Byron 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*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to bedroom 5 on the eastern elevation on the upper floor of Units 3 and 4, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be 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.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

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

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

(a) *windows to bedroom 5 on the eastern elevation on the upper floor of Units 3 and 4, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*

(b) *the garages for Units 1 and 2 being located behind the main building, and vehicular access to all four (4) dwellings being from a single shared driveway.*

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

2. *a new clause (ix) be added as follows:*

"(ix) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s)."

Debate ensued.

The Presiding Member ruled that the amendment would be considered in two parts.

Clauses (viii)(a) and (b) were put.

AMENDMENT CARRIED (5-4)

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

Clause (ix) was put.

AMENDMENT CARRIED (7-2)

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

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by The Planning Group on behalf of the owners W Atkinson & M Korac for proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Grouped Dwellings, at Nos. 8 - 10 (Lots 46 & 47 D/P: 1210) Byron Street, Leederville, and as shown on plans stamp-dated 9 August 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*
- (ii) any new street/front wall, fence and gate between the Byron Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) first obtaining the consent of the owners of Nos. 6 and 12 Byron 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. 6 and 12 Byron Street in a good and clean condition;*
- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (v) 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;*

- (vi) *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);*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Byron 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);*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *windows to bedroom 5 on the eastern elevation on the upper floor of Units 3 and 4, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
- (b) *the garages for Units 1 and 2 being located behind the main building, and vehicular access to all four (4) dwellings being from a single shared driveway; and*
- (ix) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

Landowner:	W Atkinson & M Korac
Applicant:	The Planning Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1214 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing single house and construction of four (4) two-storey grouped dwellings.

A subdivision application involving the demolition of the existing single house and outbuildings and the creation of four (4) survey strata lots is the subject of a separate report on this Agenda.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4.04 dwellings R30	4 dwellings R30	Noted - no variation.
Plot Ratio	N/A	N/A	Noted.
Minimum Site Area- Unit 4	270 square metres	268 square metres	Supported- <ul style="list-style-type: none"> • variation is considered minor; • compliant with average density requirements of the R Codes; and • is not considered to have an undue impact on the streetscape or surrounding amenity.
Setbacks:- Ground Floor- North- Unit 1	1.7 metres	Nil - 2.1 metres - 4.1 metres	Supported - variation is not considered to have an undue impact on affected neighbour.
Unit 3	1.5 metres	1 metre - 1.54 metres - 2.3 metres	Supported - as above.
South- Unit 4 (Garage/Family)	1.5 metres	Nil - 1.2 metres - 2 metres	Supported - as above.
Unit 2	1.7 metres	Nil - 2.1 metres - 4.1 metres	Supported - as above.
Upper Floor: North-			

Unit 1	4.5 metres	1.5 metres - 2.1 metres	Supported - as above.
Unit 3 (Bedrooms 3 and 2)	2 metres	1.54 metres - 2.36 metres	Supported - as above.
South-Unit 4	2 metres	1.2 metres - 2.02 metres	Supported - as above.
Unit 2	2.1 metres	1.5 metres - 2.1 metres	Supported - as above.
West - Unit 1 Balcony	6 metres	5 metres	Supported - not considered to have an undue impact on the streetscape or surrounding amenity.
Unit 2 Balcony	6 metres	5 metres	Supported - as above.
Building on Boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary. As above.	North: Unit 1 Carport/store - height - 3.1 metres - 2.915 metres (average height 3 metres). South: Unit 2 Carport/store - height - 3.3 metres - 2.8 metres (average height 3.05 metres).	Supported - is compliant with the boundary wall requirements of the R Codes in terms of height and length and is not considered to have an undue impact on the affected neighbour. Supported - not considered to have an undue impact on affected neighbour.
	As above.	Unit 4 Store - height - 2.7 metres - 3.0 metres (average height 2.85 metres).	Supported - is compliant with the boundary wall requirements of the R Codes in terms of height and length and is not considered to have an undue impact on the affected neighbour.
	As above.	2 boundary walls.	Supported - boundary walls are not considered to have an undue impact on affected neighbours.
Building Height-			
Northern Driveway Elevation - Unit 1	6 metres	5.527 metres - 6.2 metres	Supported - <ul style="list-style-type: none"> • variation is considered minor; • portion of the wall

			<p>that is non compliant with the height requirements of the R Codes is minimal;</p> <ul style="list-style-type: none"> • site is sloping; and • not considered to have an undue impact on the affected neighbours.
Northern Elevation	6 metres	5.727 metres - 6.277 metres	Supported - as above.
South Elevation	6 metres	5.527 metres - 6.2 metres	Supported - as above.
Southern Driveway Elevation	6 metres	5.527 metres - 6.2 metres	Supported - as above.
Privacy: North Elevation- Unit 1 Upper Floor Balcony (west)	7.5 metres	2.5 metres to northern boundary.	Supported - not considered to have an undue impact on affected neighbour as overlooking is into adjacent neighbours front setback and roof.
Unit 2 Upper Floor Balcony (west)	7.5 metres	2.5 metres to southern boundary.	Supported - as above.
Essential Facilities- Store Unit 4	Minimum dimension 1.5 metres	6.35 metres by 1 metre.	Supported - considered adequate to meet the store needs of the occupant/owner and would not detract from the amenity of the locality.
Unit 3	As above.	5.8 metres by 1 metre	Supported - as above.
Consultation Submissions			
Support	Nil		Noted
Objection (6)	<ul style="list-style-type: none"> • Density - concern that four dwellings are being built when there is only room for three dwellings. 		Not supported - proposal is compliant with the average density requirements of the R Codes.

	<ul style="list-style-type: none"> • No visitor car parking provided. • Setbacks. • Development will have an undue impact on the streetscape. • Privacy. • Building height. • Overshadowing. • Boundary walls height. • Out of character of the locality. • Bulk and Scale. • Increase in traffic in Byron Street. • Number and extent of variations sought. 	<p>Not supported - no visitor car parking required by the R Codes.</p> <p>Not supported - addressed in the Assessment Table.</p> <p>Not supported - not considered to have an undue impact on the streetscape.</p> <p>Not supported - addressed in the Assessment Table.</p> <p>Not supported - addressed in the Assessment Table.</p> <p>Not supported - proposal is compliant with the overshadowing requirements of the R Codes.</p> <p>Not supported - addressed in the Assessment Table.</p> <p>Not supported - not considered to have an undue impact on the streetscape or surrounding amenity.</p> <p>Not supported - development is compliant with the average density and open space requirements of the R Codes and is not considered to have an undue impact on the streetscape or surrounding amenity.</p> <p>Not supported -</p> <ul style="list-style-type: none"> • not considered to produce a significant increase in traffic; and • not considered to have an undue impact on the surrounding amenity. <p>Not supported - addressed in the Assessment Table.</p>
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	<ul style="list-style-type: none"> • Insufficient outdoor living area. • Overdevelopment of the site. • Concern existing dwelling has heritage value. 	<p>Not supported - outdoor living areas of the units are compliant with the outdoor living area requirements of the R Codes and therefore considered adequate.</p> <p>Not supported - proposal is compliant with the average density requirements of the R Codes.</p> <p>Not supported - addressed in the Comments section.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

Heritage

A detailed Heritage Assessment is contained within the attachment to this report.

The subject timber and tile dwelling at No. 8 Byron Street was constructed in the Federation Bungalow style circa 1906. The place is not listed on the Town's Municipal Heritage Inventory or the Interim Heritage Database.

The dwelling has a two room street frontage with a steeply pitched hipped roof and a protruding gable over the front room. Extensive alterations to the external detail of the place, which include the replacement of the original iron roof sheeting with tiles, the enclosure of the northern verandah section and the removal and replacement of the original verandah, during the inter-war period, have considerably diminished the Federation characteristic of the building.

The place is considered to be of little aesthetic, scientific or social values and no historical links of importance have been established. The place has some rarity values as the weatherboard is a building material that is no longer widely used in the construction of residential buildings in Perth. However, based on the criteria for cultural heritage significance, the place does not meet the threshold for inclusion onto the Town's Municipal Heritage Inventory. As such, it is considered that the application for the demolition of the subject dwelling be approved subject to a quality archival record and other standard conditions.

Summary

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

10.1.8 Nos. 419-421 (Lot 5 D/P: 7426) William Street, Perth - Proposed Alterations and Two-Storey Warehouse Addition to Existing Shop

Ward:	South	Date:	14 August 2006
Precinct:	Beaufort; P13	File Ref:	PRO0912; 5.2006.319.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J L Silbert & Associates Pty Ltd on behalf of the owner V Q Hong for proposed Alterations and Two-Storey Warehouse Addition to Existing Shop, at Nos. 419-421 (Lot 5 D/P: 7426) William Street, Perth, and as shown on plans stamp-dated 4 July 2006, subject to the following conditions:

- (i) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) *the floor areas shall be limited to;*
 - (a) *232 square metres of gross floor area for the shop component; and*
 - (b) *202 square metres of gross floor area for the warehouse component;*

Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;
- (iii) *prior to the first occupation of the development, one (1) class 1 or 2 and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (iv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (v) *doors, windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*

- (vii) *the applicant/owner shall pay a cash-in-lieu contribution of \$5,616 for the equivalent value of 2.16 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted subject a new clause (viii) being added as follows:

- "(viii) prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the car parking area adjacent to William Street being landscaped to maintain a high visual standard of development in accordance with clauses 15) i) c) and e) of 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 Policies."*

Debate ensued.

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J L Silbert & Associates Pty Ltd on behalf of the owner V Q Hong for proposed Alterations and Two-Storey Warehouse Addition to Existing Shop, at Nos. 419-421 (Lot 5 D/P: 7426) William Street, Perth, and as shown on plans stamp-dated 4 July 2006, subject to the following conditions:

- (i) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) *the floor areas shall be limited to;*
- (a) *232 square metres of gross floor area for the shop component; and*
- (b) *202 square metres of gross floor area for the warehouse component;*
- Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;*
- (iii) *prior to the first occupation of the development, one (1) class 1 or 2 and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (iv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (v) *doors, windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (vii) *the applicant/owner shall pay a cash-in-lieu contribution of \$5,616 for the equivalent value of 2.16 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements.*
- (viii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the car parking area adjacent to William Street being landscaped to maintain a high visual standard of development in accordance with clauses 15) i) c) and e) of 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 Policies.*

CARRIED (9-0)

Landowner:	V Q Hong
Applicant:	J L Silbert & Associates Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop and Warehouse
Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	N/A

BACKGROUND:

25 February 1998 Conditional approval was granted for additions (patio enclosure) to existing shop under delegated authority from the Council at the subject property.

14 February 2006 The Council at its Ordinary Meeting granted conditional approval for proposed alterations and two-storey warehouse addition to existing shop.

DETAILS:

The proposal involves alterations and two-storey warehouse addition to existing shop.

The current plans stamp dated 4 July 2006 mainly differ from the plans stamp dated 29 September 2005, which were conditionally approved by the Council at its Ordinary Meeting held on 14 February 2006, in the number of car bays provided on-site. The previously approved plans proposed 5 on-site car bays however the current plans propose 4 on-site car bays. This reduction in 1 on-site car bay is a result of the BCA requirement to widen 1 car bay to 3.2 metres to cater for people with disabilities.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
No advertising was required as shop and warehouse are 'P' uses.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number)			
-Existing shop: 1 car bay per 15 square metres of gross floor area (existing 232 square metres).		15 car bays	
-Warehouse: 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof (proposed 202 square metres).		3 car bays	
Total		18 car bays	
Apply the adjustment factors		(0.7225)	
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 		13 car bays	
Minus car parking on-site		4 car bays	
Minus the most recently approved on-site parking shortfall		6.8375 car bays	
Resultant shortfall		2.16 car bays	
Bicycle Parking			
Shop		Nil facilities indicated on plans, has been conditioned to comply.	
<ul style="list-style-type: none"> • 1 space per 300 square metres of gross floor area for employees (class 1 or 2)- 0.77 space • 1 space per 200 square metres of gross floor area for visitors (class 3)- 1.16 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.

COMMENTS:

Car Parking

The total floor space for the extensions will result in a car parking shortfall of 2.16 car bays, after the application of adjustment factors. This shortfall can be addressed as a cash-in-lieu contribution.

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

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

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

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2006/07 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/2006 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

Summary

The proposal is supported subject to the cash-in-lieu for car parking contribution being increased to cater for the greater shortfall, as it is not considered to unduly impact the amenity of the adjacent or surrounding properties and is compliant with the Town's Beaufort Precinct.

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

**10.1.10 No. 99 (Lot 4, Strata Lot 1) Brisbane Street, corner Lindsay Street, Perth
- Proposed Change of Use from Single House to Eating House and
Ancillary Art Gallery and Additional Multiple Dwelling**

Ward:	South	Date:	15 August 2006
Precinct:	Beaufort; P13	File Ref:	PRO3324; 5.2005.3180.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Karabuva on behalf of the owner V Karabuva for proposed Change of Use from Single House to Eating House and Ancillary Art Gallery and Additional Multiple Dwelling, at No. 99 (Lot 4, Strata Lot 1) Brisbane Street, corner Lindsay Street, Perth, and as shown on plans stamp-dated 9 August 2006, subject to the following conditions:

- (i) first obtaining the consent of the owners of No. 101 Brisbane Street and No. 91 Lindsay Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 101 Brisbane Street and No. 91 Lindsay Street in a good and clean condition;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) doors, windows and adjacent floor areas fronting Brisbane Street and Lindsay Street shall maintain an active and interactive relationship with these streets;*
- (iv) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (v) the public floor area of the eating house shall be limited to 45 square metres, as shown on the plans;*
- (vi) prior to the first occupation of the development, two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (vii) the applicant/owner shall pay a cash-in-lieu contribution of \$12,766 for the equivalent value of 4.91 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*

- (viii) *any new street/front wall, fence and gate between the Brisbane Street boundary and Lindsay Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - ~~(e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*~~
 - (f) *e) the solid portion adjacent to the Lindsay Street boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (ix) *the bathroom and stores on the ground floor shall be used by both the residential and commercial components of the development.*

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

Moved Cr Farrell, **Seconded** Cr Chester

That the recommendation be adopted.

Moved Cr Chester, **Seconded** Cr Torre

That new clause (x) be added as follows:

- "(x) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the external finish of the upper storey addition being of a nature that enables it to be easily distinguishable from the original ground level shop/residence fabric. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."*

Debate ensued.

AMENDMENT CARRIED (5-4)

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

Moved Cr Maier, Seconded Cr Ker

That new clauses (xi) and (xii) be added as follows:

"(xi) the upper floor of the subject development shall be used for residential purposes only; and

(xii) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

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

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development."

Debate ensued.

Cr Torre departed the Chamber at 8.13pm.

AMENDMENT CARRIED (6-2)

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

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

Moved Cr Lake, Seconded Cr Maier

That new clause (xiii) be added as follows:

"(xiii) the two original timber framed sash windows positioned along the eastern ground level façade of the place at No. 99 Brisbane Street, Perth shall not be removed and shall be retained insitu."

AMENDMENT CARRIED (6-2)

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

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

MOTION AS AMENDED CARRIED (8-0)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Karabuva on behalf of the owner V Karabuva for proposed Change of Use from Single House to Eating House and Ancillary Art Gallery and Additional Multiple Dwelling, at No. 99 (Lot 4, Strata Lot 1) Brisbane Street, corner Lindsay Street, Perth, and as shown on plans stamp-dated 9 August 2006, subject to the following conditions:

- (i) first obtaining the consent of the owners of No. 101 Brisbane Street and No. 91 Lindsay Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 101 Brisbane Street and No. 91 Lindsay Street in a good and clean condition;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) doors, windows and adjacent floor areas fronting Brisbane Street and Lindsay Street shall maintain an active and interactive relationship with these streets;*
- (iv) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (v) the public floor area of the eating house shall be limited to 45 square metres, as shown on the plans;*
- (vi) prior to the first occupation of the development, two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (vii) the applicant/owner shall pay a cash-in-lieu contribution of \$12,766 for the equivalent value of 4.91 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*

- (viii) *any new street/front wall, fence and gate between the Brisbane Street boundary and Lindsay Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the solid portion adjacent to the Lindsay Street boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ix) *the bathroom and stores on the ground floor shall be used by both the residential and commercial components of the development;*
- (x) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the external finish of the upper storey addition being of a nature that enables it to be easily distinguishable from the original ground level shop/residence fabric. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xi) *the upper floor of the subject development shall be used for residential purposes only;*
- (xii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- "The Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the development. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development."*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (xiii) *the two original timber framed sash windows positioned along the eastern ground level façade of the place at No. 99 Brisbane Street, Perth shall not be removed and shall be retained insitu.*

ADDITIONAL INFORMATION (Re: Corrected Recommendation):

The Town's Technical Services have advised that the visual truncation clause (viii)(e) should not apply to this development as the parking arrangement is existing. In light of this, the condition has been amended accordingly.

ADDITIONAL INFORMATION (Re: New clause (x):

When the Town initially received a demolition application, in August 2006, for No.99 Brisbane Street the applicants supplied an 'Independent Heritage Assessment'. The document did not follow the standard prescribed requirements for a Heritage Assessment as detailed in the Town's policy '*Heritage Management - Municipal Heritage Inventory*'. Thus no detailed physical analysis or documentary research was presented in this report, which quantified the significance of the place. However, as seen from the available photographs, the place has undergone alterations to its facade including the replacement of the original shop display windows and the application of a vibrant render. As understood through an analysis of the available plans, the internal layout of the place is relatively intact with the front two rooms and hallway configuration being retained. The extent to which the rear of the place has been retained and the original internal detail is unknown.

When the place was assessed by the Town's Heritage Officers at the time of the initial demolition application it, in conjunction with the adjacent places at Nos. 101 and 103 Brisbane Street, was ascribed significance for the following reasons:

“The subject buildings make a strong contribution to the overall streetscape along Brisbane Street, facing Birdwood Square. They form a part of a largely intact area of late nineteenth century housing stock, demonstrating the diversity of building requirements throughout the Gold Rush years in Perth. The places individually and collectively are of cultural heritage significance for their *historic, representative and streetscape* values. As such, they have considerable cultural heritage significance for the Town.”

The Browne's Dairy was recommended to be removed from the Draft Municipal Heritage Inventory (MHI) as it had insufficient original detail or structural references to relate clearly to its social and historic associations and the 'Noahs Ark' shop/house for similar issues including reference to structural problems. In relation to the above determinations, it is to be noted that THE Council's decision regarding the demolition and inclusion of the place at No.99 Brisbane Street onto the MHI was made without a full Heritage Assessment and with an Assessment Policy, which incorporated streetscape provisions. As with other places on the Town's Draft MHI, the status of the subject place and Management Category may need to be reconsidered.

Good heritage practise does recommend that new work should be distinguishable from the old. The current proposal does set back the second storey from the primary street elevation and does relate to the original work in terms of bulk, form and materials in an attempt to reduce the impact of the new addition. However, there is some concern regarding the removal of the original lower sash windows. To address this, the above '*Proposed Amendments*' have been prepared to stipulate that the lower sash windows are to be retained and that the second level shall be distinguishable from the original ground level shop/residence.

Landowner:	V Karabuva
Applicant:	R Karabuva
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Single House
Use Class:	Eating House, Unlisted Use (Art Gallery), Multiple Dwelling
Use Classification:	"P", "SA", "P"

Lot Area:	125 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves change of use from single house to eating house and ancillary art gallery and additional multiple dwelling.

The commercial component will consist of an eating house (tea room) and ancillary art gallery. The art gallery use is considered ancillary to the eating house use as the walls of the eating house will be decorated with art created by local artists and the subject art is not for retail sale.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 Multiple Dwelling R80	1 Multiple Dwelling R80	Noted - no variation.
Plot Ratio	0.75	0.64	Noted - no variation.
Setbacks: Upper Floor- North (Brisbane Street)	Buildings are to be setback from the street alignment such distance as is generally consistent with building setback on adjacent land.	Balcony - Nil. Main Dwelling - 4.01 metres.	Supported - not considered to have an undue impact on the streetscape as: <ul style="list-style-type: none"> the provision of the balcony reduces the bulk and scale of the development; and the main dwelling upper floor is setback 4.01 metres from Brisbane Street which is generally consistent with the setbacks of adjacent dwellings.
East (Lindsay Street)	Buildings are to be setback from the street alignment such distance as is generally consistent with building setback on adjacent land.	Nil.	Supported - <ul style="list-style-type: none"> not considered to have an undue impact on the streetscape as the nil setback is consistent with the ground floor nil setback; and the second storey on the corner site is considered desirable to punctuate the streetscape.

Car Parking for the Residential Component	2 car bays	1 car bay	Supported - <ul style="list-style-type: none"> • only one car bay for the existing single house therefore no further variation; • due to site constraints as a result of the retention of existing dwelling to be used as an eating house and ancillary art gallery; and • close proximity to public transport reduces the reliance on the private motor car, therefore, is considered to adequately serve the access needs of the occupiers.
Essential Facilities - Storage	Accessible from outside the dwelling.	Accessible from the garage.	Supported - due to site constraints of existing structure and is considered to adequately serve the store needs of the occupier.
Privacy- Upper Floor West (Balcony)	7.5 metres	Nil	Supported - not considered to have an undue impact on affected neighbour as overlooking is into the adjacent neighbours front setback and roof.
Consultation Submissions			
Support (1)	• No objection.		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		
Commercial Car Parking Component			
Car parking requirement (nearest whole number) Restaurant (Eating House) -1 space per 4.5 square metres of public area (45 square metres) = 10 car bays Total 10 car bays.			10 car bays

Apply the parking adjustment factors.	(0.4913)	
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) ▪ 0.85 (within 800 metres of a rail station) ▪ 0.80 (proposed development contains a mix of uses, where at least 45 per cent of the gross floor area is residential). 	4.91 car bays	
Minus the car parking provided on-site.	Nil	
Minus the most recently approved on-site car parking shortfall	Nil	
Resultant shortfall	4.91 car bays	
Bicycle Parking		
Requirements	Required	Provided
Restaurant (café/eating house) 1 space per 100 (proposed 100) square metres public area (class 1 or 2)	0.45 space Total = 0 space	Nil
2 spaces plus 1 space per 100 (proposed 100) square metres public area (class 3)	2.45 spaces Total = 2 spaces	Nil

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

COMMENTS:

Heritage

At the Ordinary Meeting of Council held on 7 November 2000, the Council refused the demolition of the buildings on No. 91 and Nos. 99 - 105 Brisbane Street and the construction of mixed use development, based on the grounds that the proposal was not consistent with the orderly and proper planning, the preservation of the amenities of the locality and that the existing places were found to have cultural heritage value. It was recommended by the Council that the properties be referred to consultants Hocking Planning and Architecture Collaboration for consideration for listing on the Town of Vincent Municipal Heritage Inventory, as part of the current review of the Inventory.

Research by the consultants indicated that the subject properties did have cultural heritage significance and as such the subject property at No. 99 Brisbane Street was listed on the Draft Municipal Heritage Inventory, which is currently undergoing community consultation scheduled to close on 31 August 2006. The former shop is proposed to be included on the Draft Municipal Heritage Inventory as a collective group that includes the properties at Nos. 101, 103, 105 and 107 Brisbane Street, all of which have been allocated a Management Category B - Conservation Recommended.

It is considered that the alterations and additions currently proposed for No. 99 Brisbane Street are sympathetic to the cultural heritage value associated with the place and serve to assist in retaining and upgrading the existing building. In light of this, the proposed alterations and additions for the subject property are supported from a heritage perspective.

Car Parking - Commercial Component

The total public floor area for the proposed eating house will result in a car parking shortfall of 4.91 car bays, after the application of adjustment factors. This shortfall can be addressed as a cash-in-lieu contribution.

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

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

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

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2006/07 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/2006 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

Residential/Commercial R80

The proposed development is compliant with the Beaufort Precinct Policy, as it contains a residential component of 66 per cent of total floor space as the bathroom and store on the ground floor will be used for both the residential and commercial components of the development.

Summary

The proposal is supported as it is not considered to unduly impact the amenity of the adjacent or surrounding properties, given its context in relation to the Residential /Commercial R80 zoning of the area and the intention of the Beaufort Precinct Policy.

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

10.1.11 Shop 3 - No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville - Proposed Change of Use from Shop to Shop (Take-Away Food Outlet) and Associated Alterations and Signage

Ward:	South	Date:	15 August 2006
Precinct:	Leederville; P03	File Ref:	PRO0860; 5.2006.279.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Peter D Webb & Associates on behalf of the owner Firestar Enterprises Pty Ltd for proposed Change of Use from Shop to Shop (Take-Away Food Outlet) and Associated Alterations, at Shop 3 - No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville, and as shown on plans stamp-dated 8 June 2006, subject to the following conditions:*

- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (b) *doors, windows and adjacent floor areas fronting Oxford Street and Richmond Street shall maintain an active and interactive relationship with these streets;*
- (c) *the queuing area of the shop (take-away food outlet) shall be limited to 20 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;*
- (d) *the applicant/owner shall pay a cash-in-lieu contribution of ~~\$8,138~~ \$2,938 for the equivalent value of ~~3-13~~ 1.13 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (e) *the car parking bays 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);*
- (f) *prior to the first occupation of the development, one (1) class 1 or 2 and two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*

- (g) *prior to the issue of the Building Licence or first occupation of the development, which ever occurs first, revised plans shall be submitted and approved demonstrating end of trip bicycle facilities being provided 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; and*
- (h) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage; and*
- (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 Peter D Webb & Associates on behalf of the owner Firestar Enterprises Pty Ltd for proposed signage at Shop 3 - No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville, and as shown on plans stamped 8 June 2006, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the non-compliance with the requirements of the Town's Policy relating to Signs and Advertising; and*
- (c) *the signage is considered to have an undue impact on the streetscape and surrounding amenity.*

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

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Chester departed the Chamber at 8.18pm.

Cr Chester returned to the Chamber at 8.19pm.

Cr Torre returned to the Chamber at 8.22pm.

Moved Cr Maier, Seconded Cr Chester

That clauses (i)(h) and (ii) be deleted and new clauses (i)(h) to (k) be added as follows:

- “(i) (h) *prior to the issue of a Building Licence or Sign Licence, revised plans shall be submitted and approved demonstrating the following:*
- (1) *the total signage area on the south-west and west elevations not exceeding 10 per cent of the total area of the respective south-west and west elevations and compliance with the Town's Sign Policy with particular regard to created roof signs;*
- (2) *the projecting signs attached above the fascia on the southern and western elevations not exceeding a vertical dimension of 500 millimetres; and*

- (3) *doors, windows and adjacent floor areas fronting Oxford Street and Richmond Street maintaining an active and interactive relationship with these streets.*

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

- (i) *the signage shall not have flashing or intermittent lighting;*
- (j) *all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town of Vincent prior to the erection of the signage; and*
- (k) *all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site."*

Debate ensued.

AMENDMENT CARRIED (7-2)

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

MOTION AS AMENDED CARRIED (7-2)

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

COUNCIL DECISION ITEM 10.1.11

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 Peter D Webb & Associates on behalf of the owner Firestar Enterprises Pty Ltd for proposed Change of Use from Shop to Shop (Take-Away Food Outlet) and Associated Alterations, at Shop 3 - No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville, and as shown on plans stamp-dated 8 June 2006, subject to the following conditions:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (b) *doors, windows and adjacent floor areas fronting Oxford Street and Richmond Street shall maintain an active and interactive relationship with these streets;*
- (c) *the queuing area of the shop (take-away food outlet) shall be limited to 20 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;*
- (d) *the applicant/owner shall pay a cash-in-lieu contribution of \$2,938 for the equivalent value of 1.13 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (e) *the car parking bays 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);*
- (f) *prior to the first occupation of the development, one (1) class 1 or 2 and two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (g) *prior to the issue of the Building Licence or first occupation of the development, whichever ever occurs first, revised plans shall be submitted and approved demonstrating end of trip bicycle facilities being provided 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;*
- (h) *prior to the issue of a Building Licence or Sign Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *the total signage area on the south-west and west elevations not exceeding 10 per cent of the total area of the respective south-west and west elevations and compliance with the Town's Sign Policy with particular regard to created roof signs;*
 - (2) *the projecting signs attached above the fascia on the southern and western elevations not exceeding a vertical dimension of 500 millimetres; and*
 - (3) *doors, windows and adjacent floor areas fronting Oxford Street and Richmond Street maintaining an active and interactive relationship with these streets.*

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

- (i) *the signage shall not have flashing or intermittent lighting;*

- (j) *all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town of Vincent prior to the erection of the signage; and*
- (k) *all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site.*

ADDITIONAL INFORMATION (Re: Corrected Recommendation):

The Council at its Ordinary Meeting held on 24 June 2003 granted conditional approval for proposed alterations and additions to existing shops at the subject property and the car parking calculation resulted in a surplus of 0.05 car bay at that time. The Council recognised a previously approved car parking shortfall of two car bays (which was approved on 18 February 1991). In light of this, the 'Car Parking Table' and 'Officer Recommendation' have been amended accordingly.

Landowner:	Firestar Enterprises Pty Ltd
Applicant:	Peter D Webb & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vacant
Use Class:	Shop (Take-Away Food Outlet)
Use Classification:	"P"
Lot Area:	936 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the change of use from shop to shop (take-away food outlet) and associated alterations and signage.

The proposed shop (take-away food outlet) will be a Domino's Pizza outlet.

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

ASSESSMENT:

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

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

Signage:			
Total Signage	The total signage area is not to exceed 10 per cent of the total area of the building wall in which that signage located. As above.	South-west elevation - 11.25 per cent. West elevation - 14 per cent.	Not supported - signage is considered excessive and to have an undue impact on the streetscape and surrounding amenity. Not supported - as above.
Projecting Signs	Be limited to a maximum of one projecting sign per tenancy on a lot, other than any Projecting Signs which are attached to the fascia of a verandah or the like.	2 illuminated projecting signs above a fascia and 1 projecting sign under a fascia.	Not supported - as above.
Projecting Signs Attached above a Fascia-South	Not to exceed a vertical dimension of 500 millimetres.	1.2 metres	Not supported - as above.
West	As above.	As above.	Not supported - as above.
Consultation Submissions			
The application does not require advertising as the proposal is a permitted use and is being referred to the Council for its consideration and determination.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) -Shop (Take-Away Food Outlet): 1 car bay per 4.5 square metres of seating area plus 1 space per 2.5 square metres of queuing area with a minimum of 4 spaces. Queuing Area - 20 square metres = 8 car bays. Seating Area - Nil. - Shops: 1 car bay per 15 square metres of gross floor area. Gross Floor Area - 343.6 square metres = 22.91 car bays. Total car bays required - 30.91			31 car bays

Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a public car park with excess of a total of 75 car parking spaces) ▪ 0.90 (end of trip and parking facilities for bicycle users) 	(0.5527125) 17.13 car bays
Minus car parking on-site	14 car bays
<u>Minus most recently approved on-site car parking shortfall</u>	<u>2 car bays</u>
Resultant shortfall	3.13 <u>1.13</u> car bays
Bicycle Parking	
<u>Take-Away Food Outlet</u> (113 square metres of gross floor area)	
-1 space per 100 square metres of gross floor area for employee/resident (Class 1 or 2)	1.13 spaces (Class 1 or 2)
-1 space per 50 square metres of gross floor area for visitor/shopper (Class 3)	2.26 spaces (Class 3)

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

COMMENTS:

Car Parking

The total queuing area for the proposed shop (take-away food outlet) will result in a car parking shortfall of 3.13 car bays, after the application of adjustment factors. This shortfall can be addressed as a cash-in-lieu contribution.

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

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

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

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2006/07 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/2006 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

Summary

The proposed change of use from shop to shop (take-away food outlet) and associated alterations is supported as it is not considered to have an undue impact on the streetscape or the surrounding amenity and is compliant with the Town's Leederville Precinct Policy. Therefore, approval is recommended, subject to standard and appropriate conditions to address the above matters.

The proposed signage is considered excessive and to have an undue impact on the streetscape and surrounding amenity, therefore, is recommended for refusal.

10.1.12 No. 18 (Lot 7 D/P: 7426) Wellman Street, Perth - Proposed Change of Use from Warehouse to Recreation Facility (Martial Arts Fitness Centre)

Ward:	South	Date:	15 August 2006
Precinct:	Beaufort; P13	File Ref:	PRO3564; 5.2006.205.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Krestyl Pty Ltd on behalf of the owner Tarnu Pty Ltd for proposed Change of Use from Warehouse to Recreation Facility (Martial Arts Fitness Centre), at No. 18 (Lot 7 D/P: 7426) Wellman Street, Perth, and as shown on plans stamp-dated 5 May 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) doors, windows and adjacent floor areas fronting Wellman Street shall maintain an active and interactive relationship with this street;*
- (iii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) the gross floor area of the recreation facility shall be limited to 310 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval being applied for and obtained from the Town;*
- (v) the applicant/owner shall pay a cash-in-lieu contribution of \$8,385 for the equivalent value of 3.225 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (vi) the car parking bays 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*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of a minimum of four on-site car bays with access from the right of way, which comply with the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking". The revised plans shall not result in any greater variation to the requirements of the Town's Policies.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Chester

That new clauses (viii) and (ix) be added as follows:

"(viii) 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 and report are to be at the applicant's/owner(s)' costs; and

(ix) the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report."

AMENDMENT CARRIED (8-1)

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

Moved Cr Maier, Seconded Cr Ker

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

“(x) the parking shown on the plans is to be available to customers and staff of the establishment whenever the business is open.”

Debate ensued.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

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 Krestyl Pty Ltd on behalf of the owner Tarnu Pty Ltd for proposed Change of Use from Warehouse to Recreation Facility (Martial Arts Fitness Centre), at No. 18 (Lot 7 D/P: 7426) Wellman Street, Perth, and as shown on plans stamp-dated 5 May 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) doors, windows and adjacent floor areas fronting Wellman Street shall maintain an active and interactive relationship with this street;*
- (iii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) the gross floor area of the recreation facility shall be limited to 310 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval being applied for and obtained from the Town;*
- (v) the applicant/owner shall pay a cash-in-lieu contribution of \$8,385 for the equivalent value of 3.225 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (vi) the car parking bays 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*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of a minimum of four on-site car bays with access from the right of way, which comply with the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking". The revised plans shall not result in any greater variation to the requirements of the Town's Policies.*
- (viii) 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 and report are to be at the applicant's/owner(s)' costs;*

- (ix) *the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and*
- (x) *the parking shown on the plans is to be available to customers and staff of the establishment whenever the business is open.*

Landowner:	Tarnu Pty Ltd
Applicant:	Krestyl Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Warehouse
Use Class:	Recreational Facility
Use Classification:	"AA"
Lot Area:	541 square metres
Access to Right of Way	South side, 3 - 6.04 metres wide, sealed, privately owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the change of use from warehouse to recreation facility (martial arts fitness centre) at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> Not enough car parking provided. 		Not supported - not considered to have an undue impact on the surrounding amenity and is addressed in the Officer Recommendation.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) -Recreation: 1 car bay per 30 square metres of gross floor area (310 square metres) - 10.33 car bays.			10 car bays

Apply the adjustment factors	(0.7225)
▪ 0.85 (within 400 metres of a bus stop)	
▪ 0.85 (within 800 metres of a rail station)	7.225 car bays
Minus car parking on-site (6 car bays shown on plans, of which 4 car bays are capable of complying with requirements)	4 car bays
Minus the most recently approved on-site parking shortfall	Nil
Resultant shortfall	3.225 car bays

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

COMMENTS:

Car Parking

The total gross floor area for the proposed recreation facility (martial arts fitness centre) will result in a car parking shortfall of 3.225 car bays, after the application of adjustment factors. This shortfall can be addressed as a cash-in-lieu contribution.

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

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

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

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2006/07 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/2006 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

Summary

The proposal is supported as it is considered to enhance the amenity of the subject commercial area and is compliant with the Town's Beaufort Precinct Policy.

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

10.1.14 No. 246 (Reserve 3839) Vincent Street, Leederville - Proposed Signs Additions to Existing Recreational Facility (Medibank Stadium)

Ward:	South	Date:	16 August 2006
Precinct:	Oxford Centre; P 4	File Ref:	PRO1726; 5.2006.368.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman John Giorgi	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 RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Medibank Private Limited on behalf of the owner Town of Vincent for proposed Signs Additions to Existing Recreational Facility (Medibank Stadium) at No. 246 (Reserve 3839) Vincent Street, Leederville and as shown on plans stamp dated 26 July 2006, subject to the following conditions:

- (i) the new wall signage on the western wall of the Fletcher Stand, which reads 'Medibank Stadium', shall be attached in a manner that has minimal impact on the brickwork and shall be capable of being removed without causing damage to the fabric of the building; for example, the lettering is bolted through structurally sound mortar joints, which could easily be made good if the signage is later removed;*
- (ii) the original "LEEDERVILLE OVAL" lettering on the western wall of the Fletcher Stand shall be retained insitu and the blonde brickwork of this elevation shall remain unpainted;*
- (iii) the installation of the proposed projecting signage on the lower level of the grandstand building shall ensure that no original fabric is removed or irreversibly damaged;*
- (iv) the original Fletcher Stand should not be altered in name nor shall the original grandstand building be altered physically in any unnecessary way that detracts from its original design and presentation, which is an asset to the heritage of football at Leederville Oval;*
- (v) all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town of Vincent prior to the erection of the signage;*
- (vi) all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;*
- (vii) the temporary "Bill Posting" (banner signs) attached to the fences shall be removed within 7 days of the signs proposed on plans stamp dated 26 July 2006 being approved and installed;*

(viii) *prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the following signs to be reduced in size as follows:*

(a) *wall sign (A-Lettering) being a maximum of 1 metre by 7 metres.*

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

(ix) *sign (H) on the eastern bank is subject to removal during redevelopment works and thereafter erected at a location to be approved by the Town's Chief Executive Officer;*

(x) *the signage shall not have flashing or intermittent lighting; and*

(xi) *prior to the consideration of any additional signage for the place, a Signage Strategy shall be submitted to and approved by the Town.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	Town of Vincent
Applicant:	Medibank Private Limited
Zoning:	Metropolitan Region Scheme: MRS Reserve -Parks and Recreation Town Planning Scheme No.1 (TPS 1): MRS Reserve-Parks and Recreation
Existing Land Use:	Multi-purpose sports stadium
Use Class:	Recreational Facilities
Use Classification:	"P"
Lot Area:	53,008 square metres
Access to Right of Way	Not applicable

BACKGROUND:

The Town has previously approved of a Naming Rights Agreement with Medibank and the East Perth and Subiaco Football Clubs. The Town has forwarded the above Medibank signage proposal to the Western Australian Planning Commission (WAPC) for its consideration and ultimate determination, as the site is reserved under the Metropolitan Region Scheme as "Parks and Recreation".

DETAILS:

The proposal involves signage associated with Medibank, which has naming rights to the former Oval. The signage proposed for the Medibank Stadium is as follows:

SIGN TYPE	NO. OF SIGNS	SIGN DIMENSION	LOCATION	SIZE AS PER AGREEMENT
Hoarding Signs (D) north end, (D) south end and (H) east end -double sided.	Three (3)	1.2 metres x 7.20 metres, at a height of 2.7 metres from ground level.	North (D) and south (D) sides behind the goal post and setback 1.5 metres from the respective fences, and on the eastern (H) side, 3 metres from the fence.	Medibank Stadium Name sign (D) of such dimensions as may be mutually agreed between the Parties (but not exceeding 1 x 6.4 x 1.5 metres) to be positioned at the northern and southern ends of the Oval. Signage (H) (to be agreed between the parties) on the eastern bank of the Oval.
Projecting Sign (G)	One (1)	0.55 metre x 24.59 metres	North west side of the stadium.	Signage along the entire fascia of the metal structure located at the north-western side of the Oval.
Projecting Sign (B)	One (1)	0.6 metre x 5.3 metres	Main grandstand-facing oval.	1 x 10 metre x 0.6 metre Stadium Name sign to be positioned on the front wall of the Stadium Grandstand above the lean-to patio.
Wall Sign (A)-(Lettering)	One (1)	1 metre x 9 metres	Main grandstand-facing west side.	1 x 7 metre x 1 metre Stadium Name lettering only to be positioned on the western wall of the Stadium Grandstand.
Bill posting on Signs (D)	Two (2)-temporary banners.	No dimension given	Attached to north and south fences.	Not part of agreement.

Sign (C)	Two (2)	1.2 metres x 7.2 metres	Eastern side of oval	Medibank Stadium Name sign of such dimensions as may be mutually agreed between the Parties to be positioned in prominent positions (to be mutually agreed between the Parties) around the Oval, (and unless otherwise agreed these shall comprise 2 x 9 metre x fence height signs placed around the playing field.
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ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Hoarding Signs	One (1) sign per street frontage of the lot.	Three (3)	Supported - in terms of location, and is considered acceptable in the overall context of the Stadium.
Bill Posting	Not allowed	Two existing signs. One attached to an internal fence and the other attached on the fence/gate facing Vincent Street.	Supported until the signs proposed, as considered in this Agenda Report, are approved and installed, as the signage will provide some temporary advertising exposure for Medibank.
Projecting Sign (G)	4 square metres.	13.52 square metres.	Supported - as previously approved in agreement.
Consultation Submissions			
The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for its consideration and determination.			
Support	Not applicable		Noted
Objection	Not applicable		Noted

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

COMMENTS:

Heritage

Leederville Oval has been included on the Town's draft Municipal Heritage Inventory, with a Category A - Conservation Essential listing. The place has considerable social significance to the district, being located at the heart of the district and being the drilling ground for the Leederville Drill Hall during World War One, the long time home of the West Perth Football Club and a venue for cricket and special events.

The proposed signage is considered acceptable in terms of heritage, as it does not significantly impact on the identified cultural heritage values of the place. In the Officer Recommendation, conditions have been recommended to ensure that the wall signage on the western wall of the Fletcher Stand and the projecting sign on the lower level of the grandstand fascia is installed in a manner that will have minimal impact on the original wall fabric.

While it is recognised that there is a need for signage around the Oval, it is considered that there is an amount of visual repetition. To ensure that future signage does not have a detrimental effect on the cultural heritage significance of a place, the number of signs should be restricted to avoid visual clutter. Prior to the consideration of any additional signage for the place, a signage strategy should be prepared.

Summary

Accordingly, all the proposed signs are recommended for approval, subject to standard and appropriate conditions to address the above matters, including the reduction in size for certain signage, with sign (H) on the eastern bank shall be subject to removal during redevelopment works intended at this location and thereafter erected at a location approved by the Chief Executive Officer.

The Council's decision is required to be forwarded to the Western Australian Planning Commission for final determination.

10.1.15 Nos. 8-10 Byron Street (Lots 46 & 47 D/P: 1210) Leederville - Proposed Survey Strata Subdivision

Ward:	North	Date:	14 August 2006
Precinct:	Leederville; P03	File Ref:	407-06; 7.2006.30.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by The Planning Group on behalf of the owners W Atkinson & M Korac for proposed Survey Strata Subdivision, of Nos. 8 - 10 (Lots 46 & 47 D/P: 1210) Byron Street, Leederville, and as shown on plans stamp-dated 30 March 2006, subject to the following conditions:

- (i) the street verge tree(s) on Byron Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (ii) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill, and height of associated retaining walls, is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (iii) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (iv) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (v) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (vi) all outbuildings on proposed Lots 1 and 3, and all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works; and*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with clause 2.3.3 of the Residential Design Codes.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

Landowner:	W Atkinson & M Korac
Applicant:	The Planning Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1214 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the subdivision of the subject Lots creating four (4) Survey Strata Lots.

A development application for the demolition of existing single house and construction of four (4) two-storey grouped dwellings at Nos. 8 - 10 Byron Street is the subject of a separate report on this Agenda.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4.04 dwellings R30	4 dwellings R30	Noted - no variation.
Plot Ratio	N/A	N/A	Noted.
Minimum Site Area-			
Lot 4	270 square metres	268 square metres	Supported- <ul style="list-style-type: none"> • variation is considered minor; • overall subdivision is compliant with the average density requirements of the R Codes; and

			<ul style="list-style-type: none"> • a development for four (4) two-storey grouped dwellings (subject of another report on this Agenda) demonstrates acceptable development for the proposed lots.
Consultation Submissions			
The proposed subdivision did not require any community consultation.			
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

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

COMMENTS:

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

10.2.1 Proposed William Street Streetscape Upgrade, Brisbane to Newcastle Streets, Perth - Approval and Progress Report No. 3

Ward:	South	Date:	16 August 2006
Precinct:	Beaufort P13	File Ref:	TES0473
Attachments:	001		
Reporting Officer(s):	R Lotznicker, J van den Bok, C Wilson		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** Progress Report No 3 on the Proposed William Street Streetscape Upgrade - Brisbane to Newcastle Streets, Perth, as at 16 August 2006;
- (ii) **APPROVES IN PRINCIPLE:**
 - (a) *the William Street Upgrade project, as detailed in this report and as shown revised plans Nos. 2374-CP-05 and 2374-CP-05A (attached at Appendix 10.2.1) at an estimated to cost of \$1,346,500;*
 - (b) *the two lane proposal as shown on the revised concept plan No 2374-CP-05 with the lane marking to be 4.1m and 3.5m to accommodate cyclists as the Town's preferred option;*
 - (c) *the Town's light fitting to be selected from Western Power's "Street Vision" range and notes that the Town's preferred model is the "Parkerville" fitting, powder coated ebony colour (as this is in accordance with the Town's policy for street light fittings);*
 - (d) *the planting of London Plane tree species in William Street (subject to EPRA and the Perth City Council agreeing to this tree species) to achieve a more uniform streetscape; and*
 - (e) *the planting of two mature date palms on the west side of William Street adjacent to the Perth Mosque (to provide a landmark feature) as depicted in plans at Appendix 10.2.1;*
- (iii) **APPROVES** the quotation from Western Power for the undergrounding of power in the affected section of William Street at the quoted price of \$435,680 (excl GST) and **NOTES** that this quotation is only valid until the end of August 2006 and if not accepted by the Town, a revised quotation will need to be obtained which may result in a further cost increase;
- (iv) **AUTHORISES** the Chief Executive Officer to;
 - (a) *subject to clause (iii) above being approved, immediately place an order with Western Power for the undergrounding of power in William Street;*
 - (b) *enter into a Financial Assistance Agreement with the Department of Finance and Treasury for the committed \$250,000 once the Council has given its final approval for the project;*

- (c) *request the State Government to contribute an additional \$70,000 towards the William Street Upgrade project given the increase in costs associated with the undergrounding of power;*
- (d) *in liaison with the Mayor and Executive Manager Technical Services, to make minor "non-material" changes to the concept plans as a result of matters which may arise during the public consultation period and/or of a technical or infrastructure improvement;*
- (e) *advertise the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions, and as a part of the consultation process, holds a public meeting and invites all relevant stakeholders, businesses and community groups;*
- (v) **NOTES that:**
- (a) *Main Roads WA have advised that they support the Town's proposal to reduce William Street to 'two lanes' with embayed parking and support lower speed limits in areas of high pedestrian activity, and have agreed 'in principle' to a reduced speed limit of 50kph along William Street between Brisbane and Newcastle Streets when the streetscape upgrade has been completed;*
- (b) *The Traffic Engineers engaged by the East Perth Redevelopment Authority concluded that the preferred upgrade plan would result in a marginally better traffic situation for than presently exists, provided that:*
- *Traffic signal linking were optimised*
 - *Phase times were reduced to a maximum of two minutes; and*
 - *A consistent treatment (in terms of capacity) would be implemented along the entire length of William Street, in order to remove the bottleneck point that currently exists at the southern end of the Horseshoe Bridge;*
- (c) *the East Perth Redevelopment Authority does not consider that a third traffic lane for buses along William Street would be necessary, however, before providing a response to the Public Transport Authority, it is seeking comment and support from both the City of Perth and Town of Vincent on this position;*
- (vi) **REQUESTS** *Main Roads WA to provide an undertaking to ALL stake holders including the East Perth Redevelopment Authority, Public Transport Authority, City of Perth and the Town that they will alter the coordination and phasing of the traffic signals as outlined in the traffic report commissioned by the East Perth Redevelopment Authority (as laid on the table) to optimise traffic flow along William Street, in particular during the morning peak period and to incorporate bus priority signal phasing at intersections;*
- (vii) **ADVISES** *the East Perth Redevelopment Authority, City of Perth, Public Transport Authority and Main Roads WA of its decision and invites them to submit their comments as part of the Town's formal consultation process; and*
- (viii) **RECEIVES** *a further report at the conclusion of the consultation period to consider the submissions received.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr

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

“(ii) (c) ~~the Town's light fitting to be selected from Western Power's "Street Vision" range and notes that the Town's preferred model is the "Parkerville" fitting, powder coated ebony colour (as this is in accordance with the Town's policy for street light fittings)~~ the Kim Archetype light and the Town investigate entering into an agreement with the City of Perth for an inventory of spares and for them to carry out all required service provision including maintenance, repairs and emergency call outs (and NOTES that the additional cost will be \$70,000 and that Clause (ii)(a) should be amended accordingly to reflect the additional cost).”

AMENDMENT LAPSED FOR WANT OF A SECONDER

Moved Cr Lake, Seconded Cr Maier

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

“(ii) (e) ~~the planting of two~~ four ~~mature date palms on the east and west side of William Street adjacent to the Perth Mosque (to provide a landmark feature) as depicted in plans at Appendix 10.2.1 (and NOTES that the additional cost will be \$10,000 and that Clause (ii)(a) should be amended to reflect the additional cost);~~”

Debate ensued.

AMENDMENT LOST (3-6)

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

Moved Cr Messina, Seconded Cr

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

“(ii) (f) *the allocation of additional funds to accentuate the shoreline feature of the lake along William Street.*”

AMENDMENT WITHDRAWN

Moved Cr Maier, Seconded Cr Lake

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

- “(ii) (d) *the planting of ~~London-Plane~~ Apple Gum tree species in William Street (subject to EPRA and the Perth City Council agreeing to this tree species) to achieve a more uniform streetscape; and”*

Debate ensued.

AMENDMENT LOST (2-7)

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

Moved Cr Maier, Seconded Cr Chester

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

- “(ix) *REQUESTS that a report be presented to Council giving the details and status of the Public Art Project associated with the William Street Upgrade.*”

Debate ensued.

AMENDMENT CARRIED (6-3)

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

Debate ensued.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES Progress Report No 3 on the Proposed William Street Streetscape Upgrade - Brisbane to Newcastle Streets, Perth, as at 16 August 2006;*
- (ii) *APPROVES IN PRINCIPLE:*
- (a) *the William Street Upgrade project, as detailed in this report and as shown revised plans Nos. 2374-CP-05 and 2374-CP-05A (attached at Appendix 10.2.1) at an estimated to cost of \$1,346,500;*

- (b) *the two lane proposal as shown on the revised concept plan No 2374-CP-05 with the lane marking to be 4.1m and 3.5m to accommodate cyclists as the Town's preferred option;*
- (c) *the Town's light fitting to be selected from Western Power's "Street Vision" range and notes that the Town's preferred model is the "Parkerville" fitting, powder coated ebony colour (as this is in accordance with the Town's policy for street light fittings);*
- (d) *the planting of London Plane tree species in William Street (subject to EPRA and the Perth City Council agreeing to this tree species) to achieve a more uniform streetscape; and*
- (e) *the planting of two mature date palms on the west side of William Street adjacent to the Perth Mosque (to provide a landmark feature) as depicted in plans at Appendix 10.2.1;*
- (iii) *APPROVES the quotation from Western Power for the undergrounding of power in the affected section of William Street at the quoted price of \$435,680 (excl GST) and NOTES that this quotation is only valid until the end of August 2006 and if not accepted by the Town, a revised quotation will need to be obtained which may result in a further cost increase;*
- (iv) *AUTHORISES the Chief Executive Officer to;*
 - (a) *subject to clause (iii) above being approved, immediately place an order with Western Power for the undergrounding of power in William Street;*
 - (b) *enter into a Financial Assistance Agreement with the Department of Finance and Treasury for the committed \$250,000 once the Council has given its final approval for the project;*
 - (c) *request the State Government to contribute an additional \$70,000 towards the William Street Upgrade project given the increase in costs associated with the undergrounding of power;*
 - (d) *in liaison with the Mayor and Executive Manager Technical Services, to make minor "non-material" changes to the concept plans as a result of matters which may arise during the public consultation period and/or of a technical or infrastructure improvement;*
 - (e) *advertise the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions, and as a part of the consultation process, holds a public meeting and invites all relevant stakeholders, businesses and community groups;*
- (v) *NOTES that:*
 - (a) *Main Roads WA have advised that they support the Town's proposal to reduce William Street to 'two lanes' with embayed parking and support lower speed limits in areas of high pedestrian activity, and have agreed 'in principle' to a reduced speed limit of 50kph along William Street between Brisbane and Newcastle Streets when the streetscape upgrade has been completed;*

- (b) *The Traffic Engineers engaged by the East Perth Redevelopment Authority concluded that the preferred upgrade plan would result in a marginally better traffic situation for than presently exists, provided that:*
- *Traffic signal linking were optimised*
 - *Phase times were reduced to a maximum of two minutes; and*
 - *A consistent treatment (in terms of capacity) would be implemented along the entire length of William Street, in order to remove the bottleneck point that currently exists at the southern end of the Horseshoe Bridge;*
- (c) *the East Perth Redevelopment Authority does not consider that a third traffic lane for buses along William Street would be necessary, however, before providing a response to the Public Transport Authority, it is seeking comment and support from both the City of Perth and Town of Vincent on this position;*
- (vi) *REQUESTS Main Roads WA to provide an undertaking to ALL stake holders including the East Perth Redevelopment Authority, Public Transport Authority, City of Perth and the Town that they will alter the coordination and phasing of the traffic signals as outlined in the traffic report commissioned by the East Perth Redevelopment Authority (as laid on the table) to optimise traffic flow along William Street, in particular during the morning peak period and to incorporate bus priority signal phasing at intersections;*
- (vii) *ADVISES the East Perth Redevelopment Authority, City of Perth, Public Transport Authority and Main Roads WA of its decision and invites them to submit their comments as part of the Town's formal consultation process;*
- (viii) *RECEIVES a further report at the conclusion of the consultation period to consider the submissions received; and*
- (ix) *REQUESTS that a report be presented to Council giving the details and status of the Public Art Project associated with the William Street Upgrade.*

PURPOSE OF REPORT:

The purpose of this report is to provide an update of the progress to date for the William Street Streetscape upgrade proposal and seek Council's approval in principle to progress the matter and carry out community consultation.

BACKGROUND:

The upgrade of William St south of Brisbane St has been under consideration since 1998. It is now at a stage where Council approval is necessary, particularly as costs are escalating at an alarming rate.

At its Ordinary Meeting held on 20 December 1999 the Council approved *in principle* the upgrading of William Street with an "Asian" theme. In addition the Town made a number of applications for government assistance in bringing the project to fruition as follows:

- Oct 1999 Submission to the Office of Energy (OoE) for Local Enhancement.
- Dec 1999 Initial consultation with stakeholders.
- Mar 2000 Public meeting at the Town's Administration & Civic Centre.
- May 2000 Grant application submitted to Ministry for Tourism - *unsuccessful*.

- May 2000 OoE advised submission was *unsuccessful*.
- Oct 2000 Council *deferred* project due to funding constraints.
- Feb 2002 Funding submission for Federal Funding RAP - *unsuccessful*.
- Apr 2002 Further progress report to Council advising of progress to date
- Apr 2004 Further submission to the Office of Energy for Local Enhancement Underground - *unsuccessful*.
- Nov 2004 Mayor, CEO & EMTS met with the Minister for Energy, Hon Eric Ripper (\$250,000).

Branding

It was initially intended to refer to William St *China Town*. This was then changed to *'Little Asia & then to Asia Town*. At its Ordinary Meeting held on 25 February 2005 the Council decided to refer to the proposal as William Street given the diversity of cultures (*both present & past*) in the street.

The predominant identity in the street is currently Asian.

Previous Actions

Prior to a report being presented to Council in December 2005, the following actions were undertaken.

March 2005 City of Perth stated that tree species, street lighting and road structure along William Street from Brisbane Street to the river should be consistent, and the other streetscape elements should be coordinated as much as possible.

EPRA advised it supported a holistic approach to the improvement of William Street between the Town, City of Perth and EPRA and that the upgrade be designed and undertaken to provide flexibility for the creation of embayed parking along both sides of William Street and for traffic to move in a two-way direction at a later stage.

June 2005 EPRA requested that further opportunities be investigated with regard to the possibility of reducing William Street to *two lanes* with embayed parking and that consideration be given to using the style of street light currently installed along Newcastle Street in the New Northbridge project (*Kim Archetype light pole/light*).

August 2005 A position paper prepared to examine the advantages and disadvantages and the potential for future two way traffic, where it was concluded that the two way 'centred option' was the best from an urban design viewpoint, subject to various considerations, including a coordinated approach being taken in William Street through the CBD and the street being designed to allow for future *two way* traffic with minimal physical changes being required.

September 2005 The Town advised EPRA it agreed *in principle* with the *two lane* one way option for William Street subject to the potential impact upon traffic flows/congestion being further examined

October 2005 City of Perth advised EPRA that the two wider lanes, i.e. 3.8m wide, would be their preferred option to allow for future two way traffic and that they were currently studying the potential of all city centre streets going two-way, and that any design of William Street, either in Northbridge or in the CBD would need to have this future flexibility designed in now.

December 2005 EPRA commissioned a report on "Street Design Options" for William Street which examined, a preferred *one way* option, a possible future *two way* option, an assessment of a preferred *two way* option against a *one way* option and summary and recommended that the *one way* option be adopted as the preferred option.

It was however considered that the implementation of a *two lane one way* option would not preclude the conversion of William Street to *two way* traffic flow at a later stage and that further localised traffic modelling on traffic flows, including the impact on buses stopping in the traffic lane and intersection phasing and timing should be undertaken as part of detailed design.

A detailed report on the William Street Streetscape upgrade proposal was subsequently considered by the Council at its Ordinary Meeting held on 20 December 2005, where the following decision was made:

“(ii) *ADVISES the East Perth Redevelopment Authority and the City of Perth that:*

- (a) *the two lane carriageway option, as shown on attached plans Nos 2374-CP-2 and 3, is the Town's preferred alignment option (subject to a favourable outcome of the requested Traffic Study as outlined in clause (ii)(b)) as this proposal will facilitate the future conversion of the road to allow for either light rail or possibly a third traffic lane with minimal disruption and no requirement for tree removals;*
- (b) *it requests that Localised traffic modelling on traffic flows, including the impact on buses stopping in the traffic lane and intersection phasing and timing (as recommended in the Sinclair Knight Mertz report), in particular along the section of William Street between Brisbane and Newcastle Streets, be undertaken by EPRA and provided to the Town with recommendations by FEBRUARY 2006 to enable the Town to finalise their design plans;*
- (c) *the Town is committed to commencing the streetscape upgrade of William Street in the 2005/2006 financial year and that any further delay in the decision making process may result in the Town commencing the works without a final proposal being agreed to by all the parties involved; and*
- (d) *the Mayor and Chief Executive Officer are to arrange a meeting with the Lord Mayor and Chief Executive Officer of the City of Perth, including the Chief Executive Officer and Chair of EPRA, at their earliest convenience, to ensure that the best urban design outcome for the whole of William Street is achieved in a timely manner, given the Town's current large financial commitment to the project;*

(iii) *REQUESTS that the East Perth Redevelopment Authority and City of Perth make a final decision regarding the William Street road alignment as soon as practical following the assessment of the requested Traffic Study as requested in clause (ii)(b);*

(iv) *ADVISES Main Roads WA of its decision and:*

- (a) *requests their formal input on the proposal to reduce William Street to two lanes; and*
- (b) *that as part of the proposal, they reduce the posted speed of William Street between Brisbane and Newcastle Streets to 'at least' 50 kph;*

- (v) *NOTES that the streetscape principles as previously adopted by the Council and as outlined on attached plan No 2330-CP-1 will be incorporated in the final plan to be presented for endorsement by the Council prior to formally consulting with the Community;*
- (vi) *RECEIVES a separate report on the Artwork component of the project as soon as this information is available; and*
- (vii) *RECEIVES a further report on the streetscape upgrade proposal by no later than March 2006 where a final plan for 'in principle' adoption will be presented, outlining revised costs, including the feedback from clauses (ii)(b) and (iii) prior to formal consultation with the community being undertaken."*

Council Forum 15 August 2006

A Council forum was held on 15 August 2006, where the Council viewed a power point presentation of the William Street upgrade proposal as part of the Agenda Forum. Some of the matters raised by Elected Members at the forum were:

- Allowance for cyclists to be considered
- Planting of date palms adjacent to the Perth Mosque
- Modified signal phasing at intersections to give buses priority
- Delineation of the shore line across the road
- Tree species
- Street lights

DETAILS:

Overview

William Street is classified as a District Distributor A. It carries in excess of 15,000 vpd and 13 Metro bus routes. It comprises a one way road *north* to *south* to CBD with four (4) lanes of traffic, however, operates predominantly as a two (2) lane road. It is one of the Town's five (5) commercial centres and is characterised by:

- Strip shops and other retail
- Commercial and offices
- Restaurant development
- Hotel / religious (Mosque)

William Street provides primary access to the Northbridge Entertainment area, the Perth Cultural Precinct and CBD and the infrastructure comprises:

- Overhead power
- Old concrete slab paths and associated infrastructure
- Underdeveloped adjoining land
- Vacant blocks
- No soft landscaping / verge trees
- No public art or street furniture

The following is an update for actions undertaken and progress to date following Council's decision at its Ordinary Meeting held on 20 December 2005:

Meeting with City of Perth and EPRA

In accordance with the Council's decision of 20 December 2005, the Town's Chief Executive Officer, Mayor and officers met on 30 January 2006 with the Chief Executive Officer from the City of Perth, Chief Executive Officer from East Perth Redevelopment Authority (EPRA), and EPRA board member and Councillor from the City of Perth, to discuss the William Street proposal.

The general consensus at the meeting was as follows:

- Two (2) lane option was the preferred option
- The parties should canvass Western Power regarding the use of the EPRA standard Kim Archetype light fitting and pole (as installed in Newcastle Street east of Fitzgerald Street)
- The Town should consider introducing a higher quality paving material eg urban
- Bus embayments should be incorporated in the design
- Tree species (London Plane) should be considered in partnership to achieve the best outcome
- EPRA to conduct localised traffic modelling for the proposed upgrade options
- EPRA (and others) to liaise with Western Power on the proposed street lighting scheme

Traffic Matters

On 15 March 2006, EPRA wrote to the Town advising that the Board had endorsed a report titled *Street Design Options, William Street, Northbridge* at its February 2006 meeting for consultation with key stakeholders.

Traffic modelling

Further, on 7 March 2006 a presentation on the outcomes of the traffic modelling was made to officers from the City of Perth and the Town and the report on the traffic modelling was received by the Town.

This report (*a copy of which is tabled*) concluded that there are two (2) options that would provide an acceptable traffic flow for both buses and general traffic, one of which is the preferred option (*option 4 - refer attached*) which was modified to incorporate a short left and right turn lane (35m) on the approach to the Newcastle Street intersection.

In its letter of 15 March 2006, EPRA advised "*now that the modelling has been completed, the next step is to obtain endorsement of the preferred option by the Public Transport Authority*".

On 10 May 2006, EPRA wrote to the Town advising that at its meeting held on 24 April 2006, the EPRA Board considered the preferred plan for the upgrade of William Street and the comments of key stakeholders (*the City of Perth, Town of Vincent, Main Roads WA and the Public Transport Authority*).

The EPRA Board decided to adopt the preferred upgrade plan subject to receiving:

- *Main Roads WA (MRWA) support for the proposed traffic signal modifications associated with the plan*
- *Confirmation from the City of Perth that the upgrade plan for William Street, Northbridge will not be inconsistent with its future intentions for William Street, south of Wellington Street*

Main Roads WA

EPRA advised they subsequently received agreement *in principle* from MRWA for the proposed traffic signal modifications and that MRWA also expressed their support for the proposal to reduce William Street to two (2) lanes.

Public Transport Authority

EPRA further advised that the Public Transport Authority (PTA) requested that consideration be given to the inclusion of a bus priority lane in the plan. An extract from PTA's letter of 10 April 2006 to EPRA is as follows:

“The Public Transport Authority (PTA) believes that with any reconfiguration of William Street between Brisbane and Roe Streets the opportunity should be taken to introduce a shared bus and cycle lane. Sinclair Knight Merz (SKM) has produced a street cross section that accommodates a 3.4 metre kerbside lane which could be used as a bus and bicycle lane between 7.00 am and 9.30 am and as kerbside parking for the rest of the day. There would be two general traffic lanes with indented parking on the right, augmented by parking in the left lane at 9.30 am. The cross section also provides for improved pedestrian amenity and tree planting along both sides of William Street.

The traffic modelling for the proposed redesign of William Street, with only two general traffic lanes, predicted travel times better than those being experienced today. The modelling assumes that the traffic signals along William Street are coordinated and with short phase, which again is not the case today. While the modelling identifies what may be possible, it requires the cooperation and agreement of Main Roads WA to alter the coordination and phasing of the traffic signals and to maintain this into the future. Past experience indicates that it may be difficult to gain Main Roads support for the proposed signal changes, due to a range of broader network issues.”

To address these comments, EPRA staff requested that their traffic engineers undertake a comparison of existing bus travel times along William Street (*from Newcastle to Roe*) with the bus travel times that the traffic model had predicted for the preferred option.

The subsequent study demonstrated that existing bus travel times along William Street were two (2) minutes longer than the model predicted for the modified street layout. The traffic engineers identified that the reasons for this were as follows:

- *There was some blocking back from the Horseshoe Bridge across Roe Street into William Street at the time of the study. The traffic model ended at Roe Street and did not include this congestion*
- *The existing traffic signal phasings were longer than the model assumed and were less than perfectly linked, resulting in longer phases and lengthened travel times.*

The traffic engineers concluded that it was likely that the preferred upgrade plan would result in a marginally better situation than presently exists, provided that:

- *Traffic signal linking was optimised*
- *Phase times were reduced to a maximum of two minutes*
- *A consistent treatment (in terms of capacity) would be implemented along the entire length of William Street, in order to remove the bottleneck point that currently exists at the southern end of the Horseshoe Bridge.*

Further, in light of the above outcomes, EPRA did not consider that a third traffic lane for buses along William Street would be necessary.

Officers' Comments

The initial proposal was for a three (3) lane road (*this was the City of Perth's preferred option*). The two lane proposal gathered momentum and following traffic modelling and extensive discussions, it was considered this to be the best outcome to improve the 'overall' amenity of the street.

At its Ordinary Meeting held on 20 December 2005 the Council decided that... *the two lane carriageway option, as shown on plans Nos 2374-CP-2 and 3, is the Town's preferred alignment option (subject to a favourable outcome of the requested Traffic Study*

MRWA supports this proposal. PTA advised they would prefer a third lane, however, they have mentioned that....*while the modelling identifies what may be possible, it requires the cooperation and agreement of Main Roads WA to alter the coordination and phasing of the traffic signals and to maintain this into the future.*

Currently the road operates as a *two lane one way road* for 22 hours every day. It is only during a two (2) hour morning peak period that the road functions as a four (4) lane road.

It is therefore recommended that EPRA and the City of Perth be advised that the Town preferred option is the two (2) lane proposal as shown on the revised concept plans Nos 2374-CP-05 and 2374-CP-05A and that Main Roads WA be requested to give an assurance to alter the coordination and phasing of the traffic signals as outlined in the traffic report prepared by EPRA and to give consideration to bus priority signal phasing at intersections.

Main Roads WA

In accordance with clause (iv) of the Council's decision, MRWA were requested to provide input on the proposal to reduce William Street to two (2) lanes and that as part of the proposal, they reduce the posted speed of William Street between Brisbane and Newcastle Streets to 'at least' 50 kph;

In early February 2006 MRWA advised that they supported the Town's proposed streetscape upgrade proposal for William Street and with regard to the proposal to reduce William Street to two (2) lanes, MRWA stated (in part) that:

"Apart from the morning peak period between 0730 and 0900, when the clearway parking restrictions apply, William Street operates as a two lane road for the majority of the day. While the proposed modifications will increase traffic queues in the morning peak period, the reduced carriageway should assist pedestrians crossing William Street and improve pedestrian safety."

MRWA also suggested the following should be included in the William Street upgrade proposal *as shown on attached drawing No. 2374-CP-2;*

- *Consider reducing the width of the traffic lanes on William Street to 3.5m, which may assist to achieve a slower traffic speed;*
- *Consider providing pedestrian ramps at recommended pedestrian crossing points;*
- *Consider providing a bus embayment near Monger Street to avoid traffic delays or sudden lane changing;*
- *Consider modifying the intersection of William Street and Robinson Avenue to prevent traffic travelling on Robinson Avenue crossing William Street to prevent right angle crashes that are occurring at the intersection;*
- *Consider the requirements of on-road cyclists;*

- *Ensure that any trees planted as part of the landscaping do not obstruct the vision of traffic signals or traffic signs; and*
- *The conversion of Monger Street from two-way to one-way traffic flow requires approval from the Minister for Planning and Infrastructure.*

In addition, MRWA advised they would not support the proposal to convert William Street between Brisbane and Newcastle Streets from the current *one-way* to *two-way* traffic flow, with only one (1) lane provided in each direction, unless the following measures were undertaken:

- *An agreement with the City of Perth regarding future plans for the whole of William Street*
- *The completion of Traffic modelling for the proposed modifications to William Street*
- *Additional routes to be considered for vehicle access to the CBD to compensate for the downgrading of William Street*
- *Community consultation undertaken; and*
- *Traffic signal phasing at the intersections of William Street with Brisbane Street and Newcastle Street have been investigated in more detail.*

With regard to the suggestion to reduce the posted speed on the section of William Street, MRWA advised that they;

“Support lower speed limits, particularly in areas of high pedestrian activity, and agrees ‘in principle’ to a reduced speed limit of 50kph when the streetscape upgrade has been completed.”

Officers' Comments

MRWA support the proposal to have two traffic lanes along Beaufort Street. They are also supportive of reviewing the posted speed of the road once the streetscape proposal has been completed. The suggestions made by MRWA have been incorporated in the attached revised plans Nos 2374-CP-05 and 2374-CP-05A.

Street Trees

In a previous report to the Council it was suggested that the planting of Chinese Elms as part of the streetscape upgrade be supported. Based on the suggestion by both EPRA and PCC that a consistent theme for William Street be developed, working group members over several meetings discussed other possible tree species for the proposal. The previous concern about planting in close proximity to buildings and awnings has now been overcome.

Officers from the three authorities investigated tree species options for planting in William Street and the following comments are provided:

London Plane Tree

The PCC and EPRA Administration and PCC Elected members are of the view that this species should be planted along the entire length of William Street. As with the Oriental Planes these tree species can be easily sourced and offer an almost instant streetscape, being available in specimens up to 4 metres in height. As the revised plans include a new location for trees, the previous concern about size is no longer a problem. The creation of a “*boulevard*” effect is supported. This is the preferred tree species.

Oriental Plane Tree

The Oriental Plane Tree was assessed with a view to retaining some form of uniformity along the entire length of William Street, given the PCC and EPRA's preference for the use of London Plane trees. The Oriental Plane tree can be easily sourced and offers an almost instant streetscape, being available in specimens up to 4 metres in height. This is the second preferred species.

Chinese Elm

The Town's officers were initially of the opinion that the Chinese Elm tree was the most suitable for William Street, given its size, canopy spread and general appearance. However, the major issue with this species is sourcing reasonable sized specimens of decent form. Accordingly, this species is no longer supported.

Illawarra Flame Tree

This tree does not have a significant sized or attractive shady canopy. It also produces large quantities of fruit (Hyde Park) that may become a problem in pedestrian areas such as William Street. Therefore this species is not recommended for planting in William Street.

Evergreen Oak

Whilst providing a nice canopy, this species is very slow growing and has been proven difficult to source locally. This is available in the Eastern States but would be transported as bare rooted specimens (without soil) which may create further problems in establishing the trees initially. Therefore this species is not recommended for planting in William Street.

Date Palms

To mark the location of the existing Mosque, two (2) large Palm trees will be planted on the west of William St to mark the location of the very significant building on that street. This has been incorporated in the design.

Reticulation

All the trees along both sides of William Street will be reticulated with tree "bubblers" off a domestic sized bore, which will be located within the verge area at a selected low point.

Officers' Comments

Given the desire for the creation of a consistent planting theme along the 'entire' street and the proposed revised location for the trees is the on road embayed parking areas (which overcomes the problem of tree size in the future), it is considered that the London Plane should be the preferred species of choice.

Street Lighting

As previously advised, EPRA and the PCC suggested using the Kim Archetype light pole/light. (*private fitting supported/maintained by PCC*).

On 20 February 2006 officers from EPRA, the Town and City of Perth met with Western Power Corporation (WPC) to discuss the lighting proposal for William Street.

Following this meeting, on 22 February 2006 WPC advised that they were not in a position to accommodate the request to have the 50 or so proposed lights added to their range.

An extract from WPC's letter is as follows:

"I understand you are urgently seeking our position on incorporating your proposed lighting into our current product range. Western Power's StreetVision service currently supports a range of decorative streetlights, including 13 pole types, 12 bracket types, 8 luminaire types and 8 lamp types. In total, about 600 different configurations of these components are available to customers. In addition, poles and luminaries are available in up to 19 different colours. By supporting these lights in our range, we not only supply them, but provide design services, storage and logistics, inspection, reporting, maintenance and repair.

It should be noted that the provision of street lighting is fully open to private suppliers and customers can choose designs that are outside Western Power's range - albeit without maintenance support from Western Power. An example of this is the lighting used for the Village Northbridge Project along Newcastle Street."

Following receipt of WPC's response, on 15 March 2006 EPRA advised the Town that they would arrange a formal meeting with WPC's General Manager to further discuss this matter.

A further meeting between the Town, EPRA, WPC and the City of Perth occurred on 17 May 2006, where the case for the alternative light was again put to WPC. On 6 July 2006 EPRA advised the Town that a further negative response had been received from WPC in relation to including the preferred light pole onto its inventory.

EPRA further advised that:

"The Town of Vincent would now seem to have to decide whether to proceed with a standard WPC pole or the preferred Kim Archetype light pole for its segment of the William Street upgrade. If a pole from WPC's existing standard range was chosen, it would be advantageous if the mounting system had regard for possible future replacement by the preferred Kim Archetype light pole in the future."

Comparison of Costs

- **Western Power - Parkville fitting:**

Estimated capital cost

- 20 x 10.5m poles @ \$3,250* = \$65,000

Note*: Includes supply, install (direct bury), connection & traffic control.

Estimated operational cost

Would form part of overall annual street vision agreement (minimal additional cost).

Total annual cost at present for ALL streetlighting in the Town is \$360,000 / annum.

- **EPRA Kim Archetype light pole:**

Estimated capital cost

- 20 x 8.5m poles @ \$6,750** = \$135,000

Note**: Includes supply, install (concrete footings, rag bolts), 2 x electrical '2 x unmetred' supplies separate conduits & wiring, connections and traffic control

Estimated operational cost

\$4,000 /annum + 2 x fittings in stock (\$7,000) + call outs (plant / labour) could be as high as \$3,000 per call out to replace pole (excluding materials).

Note: Additional 'estimated' capital cost for EPRA lights = \$70,000

Officers' Comments

Council Policy 2.2.15 Street Lighting states ... *adopts styles from WPC 'street vision' range for all future streetscape upgrades....*

Initially the alternative light was the EPRA preferred option as they previously used this fitting in Newcastle Street. The light is not supported by WPC and WPC have advised they are not willing to support this light as they already have an adequate range of decorative lights.

It is therefore recommended that the Town proceed with its initial light fitting i.e. the WPC 10.5 m high column with the Parkville fitting with 250 watt metal halide - ebony in colour (*refer attached*). This will ensure that the Town does not incur the extra cost (approximately \$70,000) and the on-going maintenance for street lighting.

Undergrounding of Power

WPC was requested to provide a revised quotation for the undergrounding of power in the section of William Street between Brisbane and Newcastle Streets in October 2005 as the previous quotation had expired.

Following a number of requests, a revised quotation was finally received on 8 May 2006. The previous quotation received on 14 June 2005 was for \$314,836 (*excl GST*). The revised quotation was \$435,680 (*excl GST*).

Following receipt of the revised quotation on 9 May 2006, the Town wrote to the Managing Director of WPC expressing strong concerns at the increased cost of the proposed work and the unacceptably long period of time taken to prepare the revised quotation, which may have contributed to the increased project cost, and advising that an initial quotation for \$255,673 (*excl GST*) for the undergrounding of power was received in August 2003 and a revised quotation for \$314,836 (*excl GST*) was subsequently received on 10 June 2005, where the increase was considered to be reasonable.

The Managing Director was advised that the Town had formally written to WPC on 13 October 2005 requesting a revised quotation (*as the 2003 quotation had expired*).

Following a number of emails and telephone calls requesting an update on the progress of the revised quote, the Town finally received the updated quotation in a letter dated 4 May 2006 some six (6) months after the request was made. The revised quotation of \$435,680 is approximately \$130,000 higher than the previous quotation for the same works.

The following formal response to the Town's letter was received from WPC on 18 May 2006:

"Thank you for your letter of 9 May 2006 regarding the undergrounding of the overhead power lines along William Street, between Brisbane and Newcastle Streets.

I can appreciate your concerns regarding the substantial increase in the revised price for the work, especially since the scope of the project has remained relatively unchanged.

As requested, I have reviewed the project and am of the opinion that the price quoted in our latest quotation dated 4 May 2006 is fair and reasonable for the works required.

As you would be aware, during the last twelve months there has been a considerable amount of development both in the metropolitan area and around the state. A shortage of labour has resulted in a substantial rise in costs. This is a factor not within our control.

For example, our previous quote included a cost from the contractor to perform the underground cabling works. At that time the price for that portion of work approximately \$82,500. In our latest quote, the cost component for the contractor had risen to \$143,000.

In addition, there has also been a substantial rise in the cost of materials. The materials component of the quote has risen sharply from \$205,118 to \$276,448. These items account for over \$130,000 of the difference between the quotes."

Officers' Comments

The undergrounding of power costs have been a contentious issue whereby the Town's officers made representation to WPC (and also the Office of Energy) regarding the latest quotation. WPC have advised that their latest quote is fair and reasonable given material and labour cost increases.

It is therefore recommended that the Council authorises the Chief Executive Officer to place an order with WPC immediately to ensure the Undergrounding of Power in the section of William Street is implemented at the quoted price of \$435,680 (*excl GST*) **as soon as possible**. To delay the project any further will necessitate a new quote being obtained by WPC and a resultant increase in cost.

Proposed Development of Artwork

To ensure appropriate artworks for the William Street Upgrade, it was decided to commission art consultants to create a detailed artwork program.

Artsource, an organisation with expertise and a long history of public art consultation for government and private developers, was awarded the contract in July 2005.

The process for developing a suitable artwork program involved identifying stakeholders, researching the history and carrying out consultation including a public community meeting in William Street, on 7 November 2005.

The resulting report was completed in June 2006. The recommendation is for the commissioning of a suit of three *resting points* – artworks that would also function as seats.

Artsource have recommended that the works be:

- Designed to be produced in multiple productions with the option of developing individual alteration to create a distinctive suit of works that can be modified as required.
- Be bright, vibrant, and contemporary and allude to the rich, multi layered, cultural and social heritage of the area.

Their report further states that the artwork locations should provide:

- Optimum sightlines to the artworks
- Provide a visual link from one work to the next
- The works to be sited on the enlarged paving nodules on the SW corner of Robinson Street, the NE corner of Monger Street and the NW corner of Forbes Street.

The report stresses the importance of the artist and landscape designer collaborating to ensure the art works are positioned with shade and that the materials used be appropriate and durable requiring minimal maintenance.

The notion of creating a prototype *resting point* that can vary from one work to the next is in keeping with the street's history, where although the geography remains relatively constant, the street witnesses rich cultural variety that evolves and changes over time. The approach also allows more works to be added should budget allocations change or if future works are seen as desirable.

Officers' Comments

It is recommended that the Council notes the comments and proposals submitted by the Art Consultants and that these proposals be incorporated in the streetscape upgrade.

Metro Centre Committee – Transport Planning Group

No further information on this matter to report.

State Funding

The Town's officers have been in contact with the Treasury Department on a number of occasions and a Financial Assistance Agreement based on a project commencement date is yet to be finalised

Officers' Comments

The State government has committed \$250,000 to this project. A Financial Assistance Agreement has not yet been entered into as the final design and estimated cost has not been determined as yet.

It is recommended that the Council Authorise the Chief Executive Officer to enter into a formal Financial Assistance Agreement for the funding once the proposal has been approved by the Council.

Community Consultation

The Council, at its Ordinary meeting held on 13 July 2005, deferred the community consultation component until the Streetscape upgrade proposal has been further refined.

To date, as mentioned above, a public meeting to discuss 'art work' was held in William Street on 7 November 2005. Thirty (30) stakeholders attended and enthusiastically participated in contributing towards ideas for the project.

Officers' Comments

It is recommended that full consultation be undertaken on the plans as presented to the Council in this report.

Community Safety and Crime Prevention Partnership Fund - Designing Safer Communities Funding

The Town, in 2004/2005, received \$50,000 for improved lighting and minor streetscape improvements for the intersections of streets adjoining William Street. This additional funding has been incorporated in the William Street upgrade budget.

Allowance for Cyclists

It is proposed that the carriage width for William Street will be 7.60m with 2 x 2.5m wide embayed parking lanes. To allow for on road cyclists the lanes could be marked as follows:

- Western side 3.5m wide
- Eastern side 4.1m wide

This would comply with *Austrroads Pt 14 Guide to Engineering Practice - Bicycles*, which states that where the speed is less than 60kph, a 4.0m wide traffic lane is required.

Cyclists would then be able to ride *on road* on the west side of the street.

Comments and Conclusions.

The William Street upgrade project has been on the Table for a number of years now. The issues have been as follows:

- The name of the proposal (*China Town or William Street*)
- The road alignment (*four lanes, three lanes or two lanes*)
- Proposed lane widths, footpath widths, etc
- The cost of undergrounding of power
- The light fittings
- Tree species
- Paving type
- Art works
- Future possible conversion to two way
- The project cost

All of the above matters have been extensively debated between the various stakeholders and it is now time to make a decision based on the information contained in this report to enable the project to finally proceed.

CONSULTATION/ADVERTISING:

It is recommended that the proposal be advertised for 21 days in accordance with the Town's consultation policy and that the Council receives a further report at the conclusion of the consultation period.

LEGAL/POLICY:

William Street comprises a District Distributor road under the care, control and management of the Town of Vincent.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Three of Strategic Plan 2005-2010 – 1.4 “*Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town*”.

FINANCIAL/BUDGET IMPLICATIONS:

The 2006/2007 budget includes \$1,096,500 for the William Street upgrade proposal. In addition, the State Government has committed to providing an additional \$250,000 for the project, bringing the total funds available to \$1,346,500.

A breakdown of the 'revised' estimated cost of the project is as follows:

Underground Power / Decor lighting including property connections	530,000.00
Upgrade footpaths pavements (some urban stone)	341,500.00
Trees/Nibs/paving	160,000.00
Road Works - asphalt banding	20,000.00
Road Works - Delineation of former Wetland	12,000.00
Kerbing	60,000.00
Line marking / Signage	6,000.00
Reticulation	50,000.00
Street Furniture / Safety fencing	57,000.00
Artworks / entry statement	85,000.00
Traffic Control / Services / Supervision	25,000.00
Estimated Overall cost	\$ 1,346,500.00

COMMENTS:

As is evident, the William Street infrastructure is run down and the area looks neglected and an opportunity exists to put this section of William Street "on the map" as a business and entertainment hub for the area, however, it is critical that the proposal is implemented in a way that complements and unifies William Street.

The project was placed on hold as it was considered there was little value in proceeding with the project until all possible options in partnership with other stakeholders had been thoroughly investigated and workshopped.

The two (2) lane carriageway option, as shown on the revised attached plans Nos 2374-CP-05 and 2374-CP-05A, is the preferred option.

The project is now at a stage whereby the Council needs to make a decision. Unfortunately, the time taken to investigate light fittings, tree species and other matters has caused a delay and an increase in underground power costs. A decision is now required to progress the project and ensure costs do not escalate any further.

It is therefore recommended that the officers' recommendation be approved to enable the project to progress.

10.2.2 Further Report - Adopted 2006/2007 Right of Way Upgrade Program

Ward:	South	Date:	19 July 2006
Precinct:	Norfolk P10	File Ref:	TES0125
Attachments:	001		
Reporting Officer(s):	Anne Munyard		
Checked/Endorsed by:	Rick Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the adopted 2006/2007 Right of Way Upgrade Program;*
- (ii) *DOES NOT proceed with the sealing of the right of way bounded by Chelmsford Road, Ethel, Vincent and Norfolk Streets until further investigation has been completed;*
- (iii) *NOTIFIES the appellant of the Council's decision; and*
- (iv) *NOTES that a further report will be submitted to the Council once the investigations have been completed.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.55pm.

CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that a property owner has appealed to the Town not to proceed with the sealing of a right of way (ROW) that has been listed on the 2006/2007 ROW Upgrade Program and to seek the Council's approval for postponing any works until further consideration has been given to the matter.

BACKGROUND:

At its Ordinary Meeting held on 23 May 2006, the Council adopted the 2006/2007 ROW Upgrade Program. The ROW bounded by Chelmsford, Ethel, Vincent and Norfolk Streets is listed on the 2006/2007 ROW Upgrade Program. The two properties on either side of the ROW are in the same ownership, and the owner has written to the Town appealing for the ROW to be removed from the Upgrade Program.

DETAILS:

The "L" shaped ROW in question was created in 1906 on Plan 2861(1) (attached), and was purchased by the City of Perth from the Catholic Church in 1992. It was transferred to the Town along with all other real assets at the time of the Town's creation. The ROW retains its status of "Private ROW", with implied rights of access throughout its entire length afforded to each of the abutting property owners under Section 167A of the Transfer of Land Act.

167A. Right-of-way on subdivision to be easement appurtenant

- (1) Subject to subsection (2), every right-of-way shown and marked as such upon any map or plan deposited with the Registrar, under the provisions of Part VIII, on the subdivision of any land shall, unless the contrary is stated, be deemed an easement appurtenant to the land comprised in such map or plan and abutting upon such right-of-way, and not a public way or thoroughfare.
- (2) Subsection (1) does not apply, and is deemed never to have applied, to or in relation to land —
 - (a) vested in the Crown under section 20A of the *Town Planning and Development Act 1928* or section 152 of the *Planning and Development Act 2005* for the purpose of a pedestrian accessway or right-of-way; or
 - (b) shown and marked as a footway or right-of-way on a map or plan (being a map or plan deposited with the Registrar of Titles) and transferred to the Crown —
 - (i) at the same time as, or after, the registration of certificates of title in accordance with that map or plan; and
 - (ii) before the commencement of section 20A of the *Town Planning and Development Act 1928*.

In this case, subsection (2) does not apply and therefore the entire ROW remains easement appurtenant to all those Lots created on attached Plan 2861(1) which are adjacent to the ROW.

In 1910 the large Lot which remained at the end of the ROW, bounded by Vincent Street, Norfolk Street and Chelmsford Road, was subdivided on Diagram 3110, creating six (6) new Lots and a new ROW leg in line with the East West leg of that created on Plan 2861(1). This new ROW was legally only available for the use of the newly created Lots, and was subsequently dedicated as a road. The likely reason for the dedication of the ROW leg was to render it a "Public ROW", and therefore give legal access to all those who would logically use it.

The East West leg of the ROW, together with the dedicated road, were upgraded some years ago by the City of Perth (when under their jurisdiction). The private ROW leg between the lots owned by the appellant has largely fallen into disuse, although some pedestrian traffic still occurs. Vehicle track marks are still apparent in the ROW, and a trampoline and trailer have been placed at the top end within approximately the past twelve months.

In accordance with the Town's *Right of Way Acquisition and Upgrade Program*, this ROW has been listed for upgrade this financial year (installation of soak wells, kerbing and sealing). The owner of the adjoining properties has written to the Town asking that the works not take place.

It is the adjoining owner's reasonable assumption that sealing the ROW would be likely to generate a renewed interest in its use for access to properties bounding the east/west leg and she has listed a number of concerns including pedestrian safety on Vincent Street. The owner has also expressed concern about accident risk as vehicles emerge from the ROW onto Vincent Street, particularly when there are parked vehicles obstructing the view of traffic.

Officer's comments

Careful consideration needs to be given to this request, particularly with respect to the owner's future eligibility for an "adverse possession" claim over the ROW. Should the Town ignore that obstructions have been placed in the ROW, it implies that it holds no objection to the adjoining owner occupying the land, and this is a major factor in the establishment of an adverse possession claim.

As the ROW in question retains private status, the Town, as owner, may have a legal responsibility to ensure it is kept open and in trafficable condition for the benefit of those with a Section 167A right of access.

Previous closure application

In 1999 the adjoining owner applied to the Town for closure of the ROW leg so that she could purchase it and amalgamate it into her properties on either side.

Closure of a private ROW is effected under Sec 52 of the Land Administration Act 1997. Closure can only take place with the agreement of all those holding an implied or expressed right of access, and must also be approved by the Department for Planning and Infrastructure (DPI) and the relevant municipal body. Once closed, the land reverts to the ownership of the Crown, with all encumbrances extinguished. The Crown can then dispose of the land by sale to the adjacent property owners.

At its Ordinary Meeting held on 14 June 1999, the Council decided to support the adjoining owner's closure application. The Town then wrote to the Department for Land Administration requesting a valuation on the land which would have to be purchased by the applicant should the closure proceed.

The Valuer General looks at several factors when determining the purchase price of a closed ROW. Amongst these are current market value of the land together with any change in development potential that may benefit the purchaser's adjacent property once amalgamation takes place.

The applicant owns the Lot immediately west of the ROW leg, comprising of 458m², and the two adjacent Lots to the east of the ROW, comprising 926m² together. The area of the portion of ROW proposed to be closed is approximately 189m². As the land is zoned R40, the Lots to the east could be amalgamated and subdivided to yield four (4) residential Lots, and the Lot to the west, two (2) - a total of six (6) Lots. Should the ROW be purchased and all Lots amalgamated, seven (7) residential Lots could be obtained. Consequently, the Valuer General concluded that acquisition of the ROW would substantially improve the development potential of the applicant's land and set a purchase price of \$110,000 plus costs. (This valuation was made in July 1999, and is no longer valid).

At that time, the applicant advised the Town she was not prepared to pay this sum for the land, and therefore the closure of the ROW was not progressed any further. It is important to note that no canvassing of those with a right of access or the DPI had been carried out at this stage, and even if the applicant had been prepared to accede to the Valuer General's purchase price, the closure may still not have been successful.

Way forward

As owner of the private ROW, the Town must consider its responsibility to those with rights of carriageway and ensure that its actions are in accordance with the relevant statutory law. Therefore, the ROW should be either maintained in good order and free of encroachments or, alternately, closed and sold to the adjacent owner, subject to a new valuation and the necessary approvals under the Transfer of land Act 1967. The Town will not benefit financially from the sale of the ROW, which reverts to the Crown upon closure.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Refer to the body of the report.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$12,500 has been included in the 2006/2007 budget for the upgrade of the ROW.

COMMENTS:

As the adjacent property owner has objected to the sealing of the ROW, she may wish to reconsider closure, acquisition, and amalgamation of the ROW into her Lots on either side. As previously stated, the closure would need to be carried out in accordance with the requirements of the Land Administration Act, and would need to be approved by the Town, those adjacent property owners with a right of carriage way and the Minister for Planning and Infrastructure.

It is considered that the Town should write to the property owner and offer this alternative for further consideration. Should she wish to proceed with this course of action, the Valuer General will be asked to provide a current valuation and this will be provided to the applicant.

Should the owner of the adjacent properties not wish to acquire the land, as owner, the Town may need to seek a legal opinion on its obligations regarding maintenance and improvement of the ROW, and prohibition of obstruction. A further report would then be prepared to advise the Council of the outcomes.

10.2.3 Proposed Introduction of a Two (2) Hour Parking Restriction in Grosvenor Road, adjacent to the Commercial Premises Immediately East of Fitzgerald Street

Ward:	South	Date:	16.03.2006
Precinct:	North Perth Centre P9	File Ref:	TES0112
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed restricted parking in Grosvenor Road, North Perth;*
- (ii) *APPROVES the implementation of restricted parking on both sides of Grosvenor Road adjacent to the commercial premises immediately east of Fitzgerald Street, North Perth, to be in place from 8.00am until 5.30pm Monday to Friday, as illustrated on attached Plan No. 2464-PP-1;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *ADVISES all adjacent businesses of its decision.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the introduction of time restricted parking in portion of Grosvenor Road, North Perth.

BACKGROUND:

The Town has received a number of complaints regarding all day parking in Grosvenor Road, adjacent to the businesses immediately east of Fitzgerald Street. In a recent letter, one of the proprietors has claimed that parents who drop their children at the day care centre further down the street, are making opportune use of the unrestricted parking in the street, and leaving their vehicles there all day.

This practice effectively removes a significant amount of the convenient parking available to clients and patrons of the businesses in the immediate area.

DETAILS:

Since the establishment of a day care centre in Grosvenor Road, the lack of available parking at the Fitzgerald Street end has concerned some business proprietors. Parents have been observed parking in the street to deliver their children, leaving their vehicles and disbursing in the direction of the city. The vehicles are remaining in the street until the close of business hours, when parents return to collect their children and return home.

The Town has received several phone calls and a written request that action be taken to restore customer parking. Therefore, it is proposed that a time restriction be implemented to prevent the all day parking which is of concern to the adjacent businesses. A two (2) hour restriction has been chosen as it is an appropriate amenity to all businesses in the vicinity, including the lunch patrons at the restaurant. The time restriction is only required during normal business hours from Monday to Friday when the day care centre operates.

CONSULTATION/ADVERTISING:

This restriction is in line with similar restrictions that have been introduced in side streets adjacent to commercial premises in other areas of the Town and which appear to be effective in addressing the problem. Therefore, consultation has not been undertaken. Should the restriction have the domino effect of moving the parking further east to the residential section of the street, consultation will be carried out to ascertain residents' preferences regarding extending the restrictions.

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Installation of poles and signage is estimated to be approximately \$500.00.

COMMENTS:

The Town's businesses rely on convenient parking being available for their patrons. All day commuter parking is eroding this amenity in this particular location and it has become necessary to implement measures to restore short term customer parking, adjacent to the commercial premises. Similar restrictions have been introduced in other precinct centres and have been effective in this endeavour. It is requested that the Council approve the introduction of the time restrictions as recommended.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item. Mayor Catania and Cr Messina departed the Chamber at 8.55pm and did not speak or vote on the matter.

Deputy Mayor - Cr Farrell assumed the Chair.

10.3.1 Investment Report as at 31 July 2006

Ward:	Both	Date:	4 August 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 July 2006 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (6-0)

(Mayor Catania and Crs Doran-Wu and Messina were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 31 July 2006 were \$11,251,365 compared with \$12,251,100 at 30 June 2006. At 31 July 2005, \$7,801,433 was invested.

Total accrued interest earned on Investments as at 31 July 2006:

	Budget	Actual	%
	\$	\$	
Municipal	370,000	17,813	4.81
Reserve	434,300	40,838	9.40

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 and Cr Messina returned to the Chamber at 8.56pm. Mayor Catania assumed the Chair.

10.3.4 Provision of Meals on Wheels - Rosewood Care Group

Ward:	Both	Date:	16 August 2006
Precinct:	All	File Ref:	CMS0016
Attachments:	-		
Reporting Officer(s):	J Anthony		
Checked/Endorsed by:	M Rootsey John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That Council;

- (i) *RECEIVES the report on the provision of Meals on Wheels to Town of Vincent residents as provided by Rosewood Care Group;*
- (ii) *ADVISES that the payment to Rosewood Care Group is to be made in two (2) instalments for the financial year first (September) and third (March) quarters; and*
- (iii) *NOTES that:*
 - (a) *Rosewood’s industrial issue is not a matter for the Town to be involved in, however, they be advised that they should take all appropriate measures to address the “perceived unfair” treatment of their employees (which resulted in adverse publicity); and*
 - (b) *the Meals on Wheels service will be monitored and, if necessary, a further report will be provided in late 2006/early 2007.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Cr Doran-Wu returned to the Chamber at 8.57pm.

Debate ensued.

Moved Cr Farrell, Seconded Cr Torre

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

- “(ii) *NOTES that subject to clause (iv) it ADVISES that the payment to Rosewood Care Group is to be made in two (2) instalments for the financial year first (September) and third (March) quarters;*
- (iv) (a) *REQUESTS the Chief Executive Officer to immediately investigate alternative meals on wheels services available to the Town, including details of the costs of the other services, employee/management history, current contract of employment practices, food preparation practices and standards and report back to the Council in September 2006; and*

- (b) *upon receiving the further report from the Chief Executive Officer, that the proposed payment of the third quarter instalment to Rosewood Care Group be referred to the Council for reconsideration.”*

Debate ensued.

AMENDMENT CARRIED (8-1)

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

Moved Cr Maier, Seconded Cr Farrell

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

“(ii) *NOTES that subject to clause (iv) it ADVISES:*

- (a) *that the payment to Rosewood Care Group is to be made in two (2) instalments for the financial year first (September) and third (March) quarters; and*
- (b) *that the additional \$6,000 will be subject to the Town receiving and accepting a project proposal which demonstrates clear benefits to the Town.”*

Debate ensued.

AMENDMENT CARRIED (8-1)

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

Debate ensued.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.3.4

That Council;

- (i) ***RECEIVES the report on the provision of Meals on Wheels to Town of Vincent residents as provided by Rosewood Care Group;***
- (ii) ***NOTES that subject to clause (iv) it ADVISES:***
 - (a) ***that the payment to Rosewood Care Group is to be made in two (2) instalments for the financial year first (September) and third (March) quarters; and***
 - (b) ***that the additional \$6,000 will be subject to the Town receiving and accepting a project proposal which demonstrates clear benefits to the Town;***
- (iii) ***NOTES that:***
 - (a) ***Rosewood's industrial issue is not a matter for the Town to be involved in, however, they be advised that they should take all appropriate measures to address the "perceived unfair" treatment of their employees (which resulted in adverse publicity); and***
 - (b) ***the Meals on Wheels service will be monitored and, if necessary, a further report will be provided in late 2006/early 2007; and***
- (iv) (a) ***REQUESTS the Chief Executive Officer to immediately investigate alternative meals on wheels services available to the Town, including details of the costs of the other services, employee/management history, current contract of employment practices, food preparation practices and standards and report back to the Council in September 2006; and***
- (b) ***upon receiving the further report from the Chief Executive Officer, that the proposed payment of the third quarter instalment to Rosewood Care Group be referred to the Council for reconsideration.***

PURPOSE OF REPORT:

To report on the current status of Meals on Wheels service as provided by Rosewood Care Group for eligible residents in the Town of Vincent.

BACKGROUND:

At the Special Budget Council Meeting on 11 July 2006 the following resolution was adopted:

"That a new clause (xvii) be added as follows:

- (xvii) ***That the funds allocated in the Annual Budget 2006/2007 as a donation to Rosewood Care Group be WITHHELD until the report on the matter is presented to Council."***

At the Special Budget Council meeting on 30 May 2006, the following recommendation was adopted;

"That the Council;

- (v) *REQUESTS the Chief Executive Officer to obtain background details and prepare a report relating to the Rosewood Group's compliance with all legislative requirements (including Industrial Laws and other relevant matters) with respect to the provision of their "Meals on Wheels" services on behalf of the Town; "*

The Meals on Wheels service is for residents who are unable to prepare their own meals. A referral to the agency is generally made by the person themselves, relatives, hospitals, doctors or even a caring friend. All meal recipients are assessed for eligibility by the agency using the Home and Community Care (HACC) criteria.

The Home and Community Care (HACC) Program is a cost-shared program between the Commonwealth and State/Territory governments. It provides funding for services that support people who live at home and whose capacity for independent living is at risk of premature or inappropriate admission to long term residential care.

The HACC Program is a key provider of community care services to frail aged people and younger people with disabilities, and their carers. The target population is persons living in the community who, in the absence of basic maintenance and support services provided or to be provided within the scope of the Program, are at risk of premature or inappropriate long term residential care, including older and frail persons, with moderate, severe or profound disabilities and younger persons with moderate, severe or profound disabilities.

Examples of services include:

- Domestic Assistance;
- Social Support;
- Nursing Care;
- Personal Care;
- Allied Health Care;
- Nursing Care;
- Respite Care;
- Centre- Based Day Care;
- Food Services;
- Home Maintenance;
- Home Modification; and
- Transport.

Rosewood Care has received funding from the Town of Vincent through applying for the annual Community and Welfare Grants scheme since 1995.

At the Ordinary Council meeting on 28 June 2005, the following resolution was approved by Council

"That the Council;

- (v) *AUTHORISES the Chief Executive Officer to establish a separate recurrent funding agreement with Rosewood Care Group."*

DETAILS:

Rosewood Care group are a HACC contracted service provider for meals on wheels, meals at centre and assessments for HACC eligible residents in the Town of Vincent. They also service other areas in the western suburbs with the exception of the areas in the City of Subiaco.

A meeting was held on 7 June 2006 with the Chief Executive Officer and Systems Officer of Rosewood Care group, and Manager Community Development, Seniors Community Development Officer and Community Development Officer from the Town of Vincent, to gather the following information presented in this report.

Meals cost \$5.00 per person per day. Special dietary requirements are catered for at the request of the clients and subject to assessment. Meals are delivered to 97 residents of the Town per day. A nutritionally balanced, chilled two course meal is delivered by volunteers Monday to Friday and frozen meals are available if required for weekends and public holidays.

The following information was provided on the service provided specifically for Town of Vincent residents;

Year	No of Meals delivered	Funding from Town of Vincent
2003/2004	19,765	\$12,000
2004/2005	19,933	\$12,000
2005/2006	(11mths) 19,969	\$12,000

Contribution breakdown	
Recipient	\$5.00
HACC Subsidy	\$1.50
TOV	\$0.55
Rosewood	\$0.75
Total Cost of Meals	\$7.80

Council Contribution per meal	
Vincent	\$0.55
Council 1 (Western Suburbs)	\$0.46
Council 2 (Western Suburbs)	\$0.55
Council 3 (Western Suburbs)	\$0.60
Council 4 (Western Suburbs)	\$0.34
Council 5 (Western Suburbs)	\$0.48

Items included in the cost of meals are as follows:

- Food;
- Food containers;
- Wages;
- Insurance;
- Administration;
- Equipment;
- Electricity/Gas;

- Water;
- Volunteers petrol money;
- Repairs and Maintenance; and
- Depreciation.

Two course meals (main meal plus sweets or fruit) are provided daily with orange juice provided once a week. Volunteers are paid \$8 for a trip delivering around 30 meals. Assessments are conducted by an ex-registered nurse annually, which is a HACCC requirement in their service contract.

The meals on wheels service is a relatively small proportion of core business for Rosewood. The core business of the group is to manage the three hostels; Tormey, Lakeview and Florence Hummerston. These hostels also having meals areas for HACCC clients in the community to come to the centres for their meals and to socialise with other clients.

The hostels are accredited and through the process of accreditation, one of the items listed for improvement based on hostel residents' feedback was the quality and type of meals provided.

All the meals, for both meals delivery and onsite meals for hostel residents, were prepared using the "cook-chill" method where meals were prepared and chilled to the appropriate temperature prior to being delivered to the hostels and meals on wheels recipients. The food was then reheated for consumption. This method was deemed unsatisfactory given the feedback from clients. Options to deliver freshly cooked meals for the hostel residents was explored.

The accreditation agency also required that in three years time, that all staff responsible for meal preparation be qualified in HACCP (Hazard Analysis Critical Control Point) food safety management certification.

HACCP Australia Food Safety Accreditation provides a recognised endorsement of food safety excellence. This endorsement offers assurance to the industry a product's suitability for use within a HACCP-based food safety programme.

The staff at Rosewood only had FoodSafe certification, whilst the private catering company that has been contracted to deliver the service has all their staff certified in HACCP.

Rosewood management are of the opinion that the best way of achieving the requirements of the accreditation body was to contract an organisation whose staff were already trained.

The process of selecting a provider to deliver the service was kept confidential to avoid disrupting the previous service and losing staff members. Management made enquiries with other hostels and were recommended Aurum Catering services. There was no process of obtaining quotes from other organisations or calling for tenders as they were not legally required to do so, and such a process would have alerted staff prematurely.

Aurum signed a contract to provide meal services on 8 May 2006, with a commencement date of 12 May 2006. On the same day when the contract was signed, sixteen staff members were notified verbally and were given written correspondence that their positions would be redundant at the close of business on 11 May 2006. All staff members were invited to apply for positions at Aurum with a view to continuing the service delivery.

At a meeting on 8 May 2006, the CEO of Rosewood invited staff to a meeting on 9 May 2006 with Innovative People Solutions who would be available to assist them to apply for the other positions with the new provider. Staff were also invited to bring along their union representatives should they choose to do so. The meeting on 9 May was also to introduce Aurum management to staff members.

Of the sixteen (16) staff who were made redundant, eight (8) were offered and accepted a position with Aurum. Three (3) were offered a position but chose not to accept. Three (3) were not offered a position. One (1) did not apply for a position and another was not employed as there was no position available for this person.

According to the CEO, those who were made redundant were given five (5) weeks pay in lieu of notice and most of them also received twelve (12) weeks long service leave payment. One staff member was told to leave the office on 11 May by the CEO as there was a fear that critical data would be tampered with or lost. Rosewood management claim that they had sought legal advice on the matter prior to commencing the course of action as reported above.

The most devastating effect for the organisation as a result of these chain of events was the loss of 22 volunteers at the Cleaver Street kitchen. It is believed that the volunteers were disappointed that long serving staff members were made redundant and did not want to work with an organisation who had hired a private firm to operate meals on wheels. The volunteers also did not want to be associated with the private firm.

This has resulted in the management team of Aurum, plus family and other staff members delivering the meals.

The Town is not aware of any breach of legislative requirements and it would appear that Rosewood followed their legal advice. Notwithstanding that no laws appear to have been breached, it is considered that the process adopted by Rosewood did not take into consideration the “*human element*” of peoples employment and the services provided by volunteers.

Considerable media publicity has surrounded the course of events following the appointment of Aurum by Rosewood. As such, Rosewood’s reputation has been tarnished and this is a matter that they must address. However, according to the Chief Executive Officer of Rosewood, the service to the community has not been negatively affected, and to date, no one has missed a meal as a result of the changes.

The Mayor and Deputy Mayor have met with the Deputy President of the Rosewood Group Board during which they expressed their concern of the treatment of long serving employees and certain comments made in the media which may adversely reflect on these employees.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010 Key Result Area 2.2

“Provide and develop a range of community programs and community safety initiatives.”

FINANCIAL/BUDGET IMPLICATIONS:

The Town of Vincent has increased the contribution to Rosewood Care from \$12,000 to \$18,000 as listed in the Draft 2006/2007 Financial Budget.

As the Officer Recommendation refers to the matter being monitored, it is appropriate for the Town to make the annual grant in two parts, namely the first and third quarters of the financial year.

The Town's officers were in negotiations with the previous coordinator at Rosewood to utilise the extra funding for special projects. The need to cater for people from non-English speaking backgrounds, people with a mental illness, Alzheimers and Dementia were proposed as areas to explore.

Prior to their staff changes, it was proposed that Rosewood would carry out a research project, beginning in the 2006/2007 financial year, involving the following activities:

- Surveying existing clients in regard to their satisfaction with the meals currently provided;
- Surveying clients who have discontinued the service within the last 6 months about why they no longer wish to receive meals on wheels; and
- Researching the ways in which other Meals on Wheels providers (in Perth, Australia and overseas) cater to the tastes of clients from non-English speaking backgrounds (for example, sourcing meals from restaurants that are collected and delivered by Meals on Wheels drivers) and for people with Alzheimers and Dementia.

COMMENTS:

As far as can be determined, the Rosewood Group have followed the correct legal process for handling of their industrial matter. However it is acknowledged that some of their personnel management matters could well have been handled in a better manner. The Rosewood's industrial issue is not a matter for the Town to be involved in as they are a separate organisation who provide a service to the Town's residents. However, it is recommended that Rosewood should be advised that the Town disapproves of "*perceived unfair*" treatment of employees. Accordingly, they should be advised that they should take all appropriate actions to resolve their issues and restore their image.

The extent to which the service delivery to residents is impacted by the structural changes at Rosewood is yet to be determined. It is anticipated that the full extent of the impact would become evident after a period of three to six months. Officers have extended queries to various sectors of the community to establish if any residents have been disadvantaged by the recent changes. To date however, there has been no major complaints by residents.

10.3.6 Leederville Gardens Retirement Village Inc Constitution Amendments - Ratification

Ward:	North Ward	Date:	9 August 2006
Precinct:	Leederville Precinct	File Ref:	PRO1242
Attachments:	001		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the amended Leederville Gardens Retirement Village Inc Constitution, as shown in Appendix 10.3.6.

COUNCIL DECISION ITEM 10.3.6

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That the recommendation be amended to read as follows:

“That the Council APPROVES the amended Leederville Gardens Retirement Village Inc. Constitution as shown in Appendix 10.3.6 subject to the following wording being added to clause 5(d) of the Constitution:

‘The Town and any body organisation or institution which has representatives as members may, at any time and from time to time by notice in writing to the Association, remove any representative and appoint another in their place and may fill any vacancy in its representation’.”

Debate ensued.

AMENDMENT LOST (3-6)

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

MOTION CARRIED (9-0)

PURPOSE OF REPORT:

To report on the details of the amended Leederville Gardens Retirement Village Inc Constitution and seek Council approval.

BACKGROUND:

A number of special resolutions were received from residents proposing amendments to the Constitution under which Leederville Gardens Retirement Village Inc. operates at the Leederville Gardens Retirement Village Inc. Annual General Meeting held on 25 September 2002. At the AGM it was resolved that as well as incorporating the proposed amendments described in the special resolution, the Constitution should be reviewed in full and amended where necessary, as the Constitution was originally written in 1991. The document has only been amended once in 1997 when s 46 was amended to restrict the transfer of surplus funds to Leederville Gardens itself or to be used for the construction or purchase of a similar type of village. Originally surplus funds could be transferred to any public benevolent institution located within the Town and covered by s 78(1)(a)(11) of the Tax Assessment Act, which was considered too broad.

The Council has three (3) elected members on the Board of Leederville Gardens Inc., and through the casting vote of the Chairman, the Council controls the management of the village.

DETAILS:

In 2003 a special Constitution Amendment Committee was formed, comprising a number of Leederville Gardens residents and Town of Vincent staff. The first meeting occurred on the 13 February 2003. Over a number of months the Committee met regularly to review and discuss the Constitution and make recommendations as to how the document could be improved. These improvements included removing transitional clauses, re-wording the document in 'plain English' and adapting the Constitution so it better reflects the administrative requirements of the village.

During the Leederville Gardens Board meetings held, the Town staff who were members of the Committee would present an update of the most recently proposed amendments to the Board for discussion. The final meeting of the Constitution Amendment Committee occurred on 30 March 2005 and the committee was dissolved. The final stages of the amendment project have been conducted at Board level.

On 4 August 2005 the draft version of the amended Constitution was forwarded to Mony de Kelroy Barristers and Solicitors to ensure its compliance with the *Associations Incorporations Act 1987*, *Retirement Villages Act 1992* and *Fair Trading (Retirement Villages Code) Regulations 2003*. In correspondence dated 1 September 2005 Mony de Kerloy advised that in their opinion the draft Constitution complies with all relevant legislation previously mentioned.

In April 2006 the final draft of the amended Constitution was presented to all residents of the village for final comment. Comment was received and actioned and at the 13 July Board meeting the final draft version was ratified by the president of the Residents Association on behalf of the Leederville Gardens Village Estate residents.

The Constitution document with proposed changes highlighted in italics is included as attachment 10.3.6.

A summary of the significant changes are listed below.

Section numbers referred to in the sub-headings refer to the section in the original 1991 Constitution unless otherwise stated.

Section 3 – Objects

The Objects of the Association are reduced considerably in the amended Constitution as it is felt that the existing objects are too broad. It is felt that the objects detailed in section 3 (a) and (b) more accurately reflect what is achievable by the Association.

Sections 5, 6 and 7 – Membership.

Sections 5, 6 and 7 have been amalgamated into one section. Important issues that have been incorporated into this section include:

- Membership of de facto spouses and partners.
- Deputy Board members.
- 10% restriction on non-resident Association members.

Section 9 – Board of Management

Important issues addressed in this section include:

- Admittance of the President of Leederville Gardens Resident's Association Inc. as an ex-officio member.
- Increasing the term of Board members from two (2) years to three (3) years.
- Explanation of casual vacancies for Board members.

Section 37 – Common Seal

The Common Seal is held in the custody of the Secretary to the Board in the original document. This has been amended to the Chief Executive Officer of the Town of Vincent being in custody of the seal.

Section 45 – Alterations to the Constitution

There is now a requirement that any alterations or additions shall not become effective until the consent of the Council is obtained.

Additional Clause – Disputes and Mediation – Section 40 of Amended Constitution

A disputes and mediation clause has been included in the Constitution. Although disputes mediation is covered in the *Fair Trading (Retirement Villages Code) Regulations 2003*, the legislation that sets out the practices that apply to the promotion, sale and operation of retirement villages, the process described in the amended Constitution allows the Association to deal with the dispute 'in-house' without the need for third party involvement as specified in the Code. The dispute process that appears in the amended Constitution is based upon the 'model rules for incorporated associations' which the Department of Consumer and Employment Protection, the Government body that administers incorporated associations, suggests should be used as a model.

There are a number of steps required to complete the amendment process. Firstly, in accordance with ss 17 (1) and (2) of the *Associations Incorporations Act* (1987) an association (Leederville Gardens Retirement Village Inc.) may only alter its rules (or Constitution) by special resolution. Section 24 (1) of the same act requires a special resolution to be passed by a majority of not less than three-fourths of the members of the association who are entitled to vote. The special resolution will be submitted at the Annual General Meeting to be held on 28 September 2006. Within one month of the passing of a special resolution, the association must lodge with the Commissioner, at the Department of Consumer and Employment Protection, notice of the special resolution setting out particulars of the amendment together with a certificate given by a member of the Board certifying that the resolution was duly passed as a special resolution and that the rules of the association as so altered conform to the requirements of this Act.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

It is recommended that Council ratify the final draft of the amended Constitution. The Constitution Amendment Committee and the Leederville Gardens Retirement Village Inc. Board have significantly amended the document to reflect legislative change in the retirement village industry, taken a 'plain English' approach where possible to ensure the Constitution is more readable and with the considerable experience of village residents, Board members and Council staff, produced a document that best reflects the needs of the Leederville Gardens village in terms of administrative rules and procedures.

**10.3.7 Highgate East State Underground Power Program – Round Three (3)
Major Residential Project – Approval and Progress Report No. 9**

Ward:	Both	Date:	16 August 2006
Precinct:	Banks; P15, Forrest; P14, Mt Lawley Centre; P11	File Ref:	TES0313
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicker, S Moodley, J Daebritz		
Checked/Endorsed by:	John Giorgi	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) ***RECEIVES the Progress Report No 9; on the State Underground Power Program – Round Three (3) Major Residential Project as at 16 August 2006;***
- (ii) ***APPROVES of:***
- (a) ***its participation in the Highgate East State Underground Power Program at an estimated cost of \$3,842,929 (excl GST);***
- (b) ***the Western Power final quotation of \$7,516,759 (excl GST); noting that this quotation is only valid until the end of August 2006 and if not accepted by the Town a revised quotation will need to be obtained by Western Power which may result in a further substantial cost increase;***
- (c) ***the Financial Model as shown in Appendix 10.3.7 which will fund the Town's contribution towards the project; and***
- (d) ***the borrowing of an additional \$843,000 to pre-fund the project and amendment to the 2006/2007 budget accordingly;***
- (iii) ***NOTES that;***
- (a) ***the revised value of the Town's contribution (50%) to the Highgate East State Underground Power Program is \$3,842,929 (excl GST) due to a:***
- ***slight increase in the area size; and***
 - ***substantial increase in material, labour and installation costs;***
- (b) ***given the revised project cost, the Town will be required to borrow an additional \$843,000 in the 2006/2007 financial year (however these funds will be fully recouped from the rate payers in the State Underground Project Area); and***
- (c) ***the Public Consultation for the inclusion of the Beaufort Street extension resulted in a low number of responses; and***
- (iv) ***AUTHORISES the Chief Executive officer to:***
- (a) ***prepare a newsletter to inform the affected ratepayers of the final project cost, the Financial Model and general information on the progress and implementation of the project;***

- (b) *in liaison with the Mayor, make minor "non-material" changes to the Financial Model and implementation program (should this be necessary) as a result of matters which may arise, subject to the changes being reported to the Council; and*
- (c) *advise Western Power of its decision and provide a "letter of intent" prior to the formal signing of the Agreement.*

Moved Cr Farrell, Seconded Cr Chester

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

- “(iv) (d) *to prepare proforma legal documentation between the Town and affected ratepayers for the deferral of payment with the Town bearing the costs until payment is made on property sale or the payment finalised to the Town’s satisfaction;*
- (e) *the Financial Model for the charging of commercial properties be changed to a series similar to the terms used in income tax calculations, or linked interpolations, but raises the same amount of money for the commercial property category.”*

Moved Cr Maier, Seconded Cr Lake

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

- “(ii) (e) *in principle, any surplus greater than \$30,000 from the project be distributed to all properties on a pro-rata basis as either a refund or a reduced charge;”*

Debate ensued.

AMENDMENT LOST (2-7)

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

Moved Cr Farrell, Seconded Cr Ker

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

- “(ii) (e) *the matter of distribution of any surplus or funding of any deficit arising from the Highgate Underground Power Project be considered and determined by the Council once the final costings have been established;”*

AMENDMENT CARRIED (9-0)

Moved Cr Lake, Seconded Cr Maier

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

“(ii) (f) strong consideration be given to the use of such surplus in the area of the Underground Power Project.”

Debate ensued.

AMENDMENT LOST (3-6)

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

Moved Cr Maier, Seconded Cr Ker

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

“(iv) (d) to prepare proforma legal documentation between the Town and affected ratepayers for the deferral of payment with the Town temporarily bearing the costs (which includes the initial payment amount and any interest) until payment is made on property sale or the payment finalised to the Town’s satisfaction;

Debate ensued.

AMENDMENT CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.3.7

That the Council;

- (i) RECEIVES the Progress Report No 9; on the State Underground Power Program – Round Three (3) Major Residential Project as at 16 August 2006;*
- (ii) APPROVES of:*
 - (a) its participation in the Highgate East State Underground Power Program at an estimated cost of \$3,842,929 (excl GST);*
 - (b) the Western Power final quotation of \$7,516,759 (excl GST); noting that this quotation is only valid until the end of August 2006 and if not accepted by the Town a revised quotation will need to be obtained by Western Power which may result in a further substantial cost increase;*

- (c) *the Financial Model as shown in Appendix 10.3.7 which will fund the Town's contribution towards the project;*
- (d) *the borrowing of an additional \$843,000 to pre-fund the project and amendment to the 2006/2007 budget accordingly; and*
- (e) *the matter of distribution of any surplus or funding of any deficit arising from the Highgate Underground Power Project be considered and determined by the Council once the final costings have been established;”*
- (iii) **NOTES that;**
- (a) *the revised value of the Town's contribution (50%) to the Highgate East State Underground Power Program is \$3,842,929 (excl GST) due to a:*
- *slight increase in the area size; and*
 - *substantial increase in material, labour and installation costs;*
- (b) *given the revised project cost, the Town will be required to borrow an additional \$843,000 in the 2006/2007 financial year (however these funds will be fully recouped from the rate payers in the State Underground Project Area); and*
- (c) *the Public Consultation for the inclusion of the Beaufort Street extension resulted in a low number of responses; and*
- (iv) **AUTHORISES the Chief Executive officer to:**
- (a) *prepare a newsletter to inform the affected ratepayers of the final project cost, the Financial Model and general information on the progress and implementation of the project;*
- (b) *in liaison with the Mayor, make minor "non-material" changes to the Financial Model and implementation program (should this be necessary) as a result of matters which may arise, subject to the changes being reported to the Council;*
- (c) *advise Western Power of its decision and provide a "letter of intent" prior to the formal signing of the Agreement;*
- (d) *to prepare proforma legal documentation between the Town and affected ratepayers for the deferral of payment with the Town temporarily bearing the costs (which includes the initial payment amount and any interest) until payment is made on property sale or the payment finalised to the Town's satisfaction;*
- (e) *the Financial Model for the charging of commercial properties be changed to a series similar to the terms used in income tax calculations, or linked interpolations, but raises the same amount of money for the commercial property category.*
-

PURPOSE OF REPORT:

The purpose to this report is to advise the Council of Western Power's final cost to undertake the State Underground Power Project (SUPP) and to seek approval to proceed based on the final Financial Model.

BACKGROUND:

As part of the SUPP, Detailed Proposal Stage, Western Power was required to submit the approved electrical design for tender. The tender period ran from 19 May 2006 to 23 June 2006. At the close of tender Western Power subsequently undertook their internal tender audit and accepted the lowest conforming tenders.

A detailed report on the matter was presented to Council at its Ordinary Meeting held on 13 June 2006, where the following decision was adopted:

"That the Council;

- (i) NOTES;*
 - (a) the outcome of the Detailed Public Consultation;*
 - (b) that should the project proceed, the revised 'preliminary' estimated value of the Town's contribution to the Highgate East State Underground Power Program will be in the vicinity of \$3,400,000 given that the size of the area has increase slightly and material and 'estimated' installation costs have also increased;*
- (iii) ADVISES Western Power of the 'positive' outcome from the resent 'Public Consultation' and that the Town reserves the right to make an informed decision on the progression of the project prior to it providing a 'letter of intent' and signing a formal contract, with Western Power, to proceed with the implementation phase of the project, pending the determination of the final project cost; and*
- (iv) RECEIVES a further detailed progress report on the final financial model once the tender price for the project implementation has been formally received and determined."*

Council Forum 15 August 2006

A Council forum was held on 15 August where the Elected Members viewed a power point presentation of the State Underground project as part of the Agenda Forum.

Matters raised by Elected Members at the forum are discussed in detail in the body of the report.

DETAILS:

On 12 July 2006 Western Power advised the Town that the final cost for the Project was \$7,516,759 (*excluding GST*), of which Town's contribution will be \$3,758,380 (*excluding GST*).

The above cost excludes an additional direct Town of Vincent cost of \$84,549 for:

- Powder coated street light poles
- Decorative light poles on Beaufort Street.

Below is the breakdown of cost, these funds are contained in the Town's Budget at a separate item:

Project Cost:

Total Project Cost	\$7,516,759
Less Office of Energy / WPC Contribution	\$3,758,379
Plus TOV Additional Cost	<u>\$84,549</u>
Total Funding Required	\$3,842,928

Contingency required for any unforeseen TOV cost \$150,000

Cost Recovery (based on the attached cost model) -

Residential Properties	\$3,172,185
Commercial / Industrial Properties	\$750,078
Vacant Properties	<u>\$96,190</u>
Total Recoverable	\$4,018,453
<i>Balance for Contingency</i>	<i>\$175,525</i>

Community Consultation

The Town had an opportunity to extend the previously approved SUPP boundary to include a significant part of Beaufort Street. A separate public consultation was carried out to just the additional property owners. There were a total of 51 properties with 46 surveys posted out. 6 completed surveys were received and are summarised in the table below.

PROPOSAL	RESPONSE
Support for Underground Power	<ul style="list-style-type: none"> • 71.4% respondents support underground power • 28.6% do not support it
Contribute towards Underground Power	<ul style="list-style-type: none"> • 71.4% respondents would contribute • 28.6% would not contribute
Preferred Payment Method	<ul style="list-style-type: none"> • 20% - full upfront payment • 20% - 3 year option • 20% - 5 year option • 20% - 7 year option • 20% - 10 year option • nil - deferred payment (no pensioner response)

The above showed a positive result although the response rate was low. A more appropriate comparative result was of the previous detailed public consultation as reported at the Ordinary Meeting of Council held on 13 June 2006:

<i>PROPOSAL</i>	<i>RESPONSE</i>
<i>Support for Underground Power</i>	<ul style="list-style-type: none"> • 82.9% respondents support underground power • 17.1% do not support it
<i>Contribute towards Underground Power</i>	<ul style="list-style-type: none"> • 77.6% respondents would contribute • 22.4% would not contribute
<i>Preferred Payment Method</i>	<ul style="list-style-type: none"> • 50.4% - full upfront payment • 18.2% - 3 year option • 11.2% - 5 year option • 3.0% - 7 year option • 9.0% - 10 year option • 8.1% - deferred payment

Matters Raised at the Council Forum - 15 August 2006

Why are Non - Strata cheaper than Strata

Non Strata are owned by one person, there is one meter to all units/houses and one bill to the owner.

Strata are individually owned units/house which are metered separately and separate bills to each owner. It also makes the cost more affordable to the one non strata owner and it is the suggested method as used in previous SUPP's.

Capping of Commercial Properties - Instead of a stepped scale why not a sliding scale

Using a step scale provides more benefit to a majority of the commercial properties as they would see a significant reduction in their charges (by up to \$5000 in some case). However the down side is \$1 could make a difference between paying an additional \$5,000.

A sliding scale would be easier to justify to individual owners and is to be incorporated in the financial model.

Warranty Periods

There would be a standard contractual 12 months defects liability period which covers re-instatements. Officers will ensure that works are carried out in accordance with the Town's specifications.

Where will WPC commence project

WPC operate on a 'Project Cell Structure' system. There are 10 cells in the Highgate project. Contractors will work on one cell at a time and complete each cell before moving onto another. This is purely to control the project from WPC management.

Of the 10 cells, 3 are in East Perth and this is most likely where they will start due to the proximity to the switch yards. They will most likely finish at Beaufort Street. Officers have requested WPC for further comment on this matter.

Contingency

WPC have allowed for a double contingency in their cost. Their tender is broken down into four (4) parts:

- Project Management Cost
- Materials
- Labour
- Other Cost

Each of the above has a separate contingency amount of 10% allocated to its sub-total. The final budget cost (4 sub-totals) has an additional 10% contingency. This is equivalent to 22% overall contingency. This would cover all variations directly related to the contract works only. There is also a \$50,000 bond to cover the maintenance period.

TOV Contingency should cover the following

- Replacement of existing signage fixed to WPC poles
- Allowance for negotiations with commercial properties on their charges
- Allowance for further cost reductions to owners that have installed mini pillars prior to the start of the project
- Allowance for POS lighting that were previously connected directly to WPC overheads and additional private lighting.
- Allowance for other unforeseen 'make good' works, including re-planting some trees, crossover upgrades etc - yet to be determined.

What happens if Project finishes under budget?

The Council will make the decision whether to redirect funds to the ratepayers involved, this will be complex due to many contributions of charges that are available, or redirect the funds to the streetscape and infrastructure of the area affected.

Recovery of funds from ratepayers

The survey indicated that 50% of the ratepayers surveyed would make payment in full and the next most supported payment option is payment over a three (3) year period. This would indicate the amount borrowed would be significantly reduced in the year that the work was completed.

It is also proposed that ratepayers not be charged until their area has been completed.

Council approval is also being sought for the Chief Executive Officer (in liaison with the Mayor) to make minor changes/refinements to the Town's Financial Model, which may arise during the implementation of the project. These will be reported to the Council.

Comments / Conclusions

There has been a significant increase by \$882,186 in the Town's share or an overall increase of 31% on the preliminary estimate done by Western Power in December 2005. The previous unsubsidised estimate of \$5,752,387 was based on the City of Nedland's tender, which had been prepared at the end of 2005.

The significant increase, particularly at the moment, could be attributed to the increasing materials and labour costs.

The report of 13 June 2006 advised of a possible increase to \$3,400,000, however, an additional \$442,929 is sought to meet the required Town of Vincent share of \$3,842,929.

With the increased cost, the cost model had to be simplified by charging based on single houses, strata or non-strata, to spread the cost around evenly. In our Public Consultation newsletter #1, a price range of between \$2,500 to \$3,700 was indicated. The charges in this SUPP will remain within this range.

The following (updated) timetable outlines all the required steps involved with the Detailed Proposal Stage of the SUPP:

Task	Initial Date	Updated Status
Boundary issues	<i>July 05</i>	• Completed -Jan 06
Equipment Location Sign off	<i>July 05</i>	• Completed - Dec 05
Project Design Completed	<i>October 05</i>	• Completed - Feb 06
Provision of Cost estimate	<i>November 05</i>	• Completed -Jan 06
Community Survey	<i>January 06</i>	• Completed - May 06
Draft Agreement	<i>February 06</i>	• Not Commenced
Tenders called	<i>February 06</i>	• Completed - 23 Jun 06
Agreement Signed	<i>April 06</i>	• Not Commenced
Project Commencement	<i>June/July 06</i>	• Not Commenced

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The current proposal to allow complying pensioners to defer payments for the underground power charge is not supported by any legislation, however a legal agreement will be established between the effected ratepayers and the Town.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010

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

"j) Develop a strategy for the staged implementation of underground power throughout the Town."

FINANCIAL/BUDGET IMPLICATIONS:

The current proposal will require the Town of Vincent to increase the level of funding from \$3,000,000 to \$3,842,929, to be able to cover the Town's share of the cost. This full cost will be recovered from ratepayers in the SUPP area.

COMMENTS:

It is noted that the estimated costs of the project are significantly higher than initially estimated, however the results of the financial model have enabled the base cost for the residential charge to remain within the parameters of the estimates initially advised in the information distributed to the ratepayers.

To avoid any further delays and to ensure efficient and effective delivery of the project, it may be necessary to make minor “*non-material*” changes. As this is the first underground power project undertaken by the Town, unexpected and unforeseen issues are expected to arise. Accordingly, authorisation for this should be granted by the Council to the Chief Executive Officer.

It is important that a decision is made on this project as the WPC tender cost will only be held until the end of August 2006. If a decision is not provided, the project would have to be re-tendered and a substantially higher cost would be expected (based on the current escalation costs).

It is recommended that the Officer Recommendation be approved`.

10.4.3 Adoption of the Draft Plan for the Future (Incorporating Draft Strategic Plan 2006 – 2011, Strategic Financial Management Plan 2006 – 2016 and Associated Key Documents)

Ward:	Both	Date:	16 August 2006
Precinct:		File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *ADOPTS IN PRINCIPLE the Draft Plan for the Future as shown in Appendix 10.4.3;*

(ii) *APPROVES of the “Plan for the Future” to comprise of the:*

(a) *Strategic Plan 2006-2011*

(b) *Strategic Financial Management Plan 2006-2016 as “Laid on the Table” and separately circulated to Elected Members;*

(c) *Strategic Asset Management Plan 2006-2026 (currently being developed); and*

(d) *associated key documents, including (but not limited to):*

- *Town Planning Scheme No 1;*
- *Economic Development Strategy;*
- *Vincent Vision 2024;*
- *Residential Design Elements Policy;*
- *Municipal Heritage Inventory;*
- *Sustainable Environment Plan (Draft);*
- *Safer Vincent Crime Prevention Plan (Draft being developed);*
- *Disability Access and Inclusion Plan;*
- *Seniors Strategy;*
- *Carparking Strategy;*
- *Workforce Plan;*
- *Information Technology Plan;*
- *Customer Service Plan;*
- *Adopted Policies;*

(iii) *APPROVES of the following consultation process for the Plan for the Future:*

1. *document to be advertised for a period of six (6) weeks;*

2. *document to be placed on the Town’s website and copies provided at the Customer Service Centre at the Administration Centre and in the Town’s Library;*

3. *Town’s facilitators to provide a workshop for electors and ratepayers;*

4. *document to be provided to each Community/Precinct Group and the Town's Chief Executive Officer to provide a detailed presentation/explanation of the Plan for the Future at a Public Meeting; and*
 5. *a special edition newsletter to be issued to all ratepayers, summarising the Plan and seeking comment and submissions;*
- (iv) *NOTES that the Town will be facilitating a meeting for the public seeking input and comment into the Draft Strategic Plan; and*
- (v) *AUTHORISES the Chief Executive Officer to:*
- (a) *advertise the Draft Plan for the Future for a period of six (6) weeks seeking public comment; and*
 - (b) *report back to Council with any public submissions received.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Journalists Giovanni Torre and Lindsay Mc Phee left the meeting at 9.26pm. Cr Farrell departed the Chamber at 9.26pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

“(i) *ADOPTS IN PRINCIPLE the Draft Plan for the Future as shown in Appendix 10.4.3 subject to the following change being made:*

- *Page 4 - Overview, Key Trends and Challenges - Economic sustainability - delete the paragraph relating to the “Underground Power Program” and replace with the following:*

“The State Underground Power Program is anticipated to take in excess of 20 years. The failure of Western Power to take responsibility for this implementation places pressure on the Town to coordinate and manage the process”.

Debate ensued.

Cr Farrell returned to the Chamber at 9.28pm.

Cr Torre departed the Chamber at 9.30pm.

AMENDMENT LOST (2-6)

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

Moved Cr Ker, Seconded Cr Messina

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

“(i) *ADOPTS IN PRINCIPLE the Draft Plan for the Future as shown in Appendix 10.4.3 subject to the following change being made:*

- *Page 4 - Overview, Key Trends and Challenges - Economic sustainability - delete the paragraph relating to the “Underground Power Program” and replace with the following:*

“The State Underground Power Program is anticipated to take in excess of 20 years. The failure of Western Power to take responsibility for this implementation places pressure on the Town to coordinate and manage the process. Escalating costs may make the program inaccessible to the disadvantaged, placing a greater burden on the Town’s resources and those ratepayers with the ability to pay.”

Debate ensued.

Cr Torre returned to the Chamber at 9.32pm.

AMENDMENT LOST (2-7)

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

Moved Cr Ker, Seconded Cr Lake

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

“(i) *ADOPTS IN PRINCIPLE the Draft Plan for the Future as shown in Appendix 10.4.3 subject to the following change being made:*

- *Page 4 - Overview, Key Trends and Challenges - Economic sustainability - delete the paragraph relating to the “Underground Power Program” and replace with the following:*

“The State Underground Power Program is anticipated to take in excess of 20 years. The failure of the State Government to take responsibility for this implementation places pressure on the Town to coordinate and manage the process. Escalating costs may make the program inaccessible to the disadvantaged, placing a greater burden on the Town’s resources and those ratepayers with the ability to pay.”

Debate ensued.

AMENDMENT CARRIED (6-3)

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

Moved Cr Maier, **Seconded** Cr Lake

That a new dot point be added to clause (i) as follows:

- *“Page 4 - Overview, Key Trends and Challenges - Asset Management - delete the second paragraph relating to the “Leederville Masterplan” and replace with the following:*

‘The development will deliver triple bottom line benefits, will be based on transit oriented development principles and will be undertaken in partnership with other key stakeholders.’;”

AMENDMENT CARRIED (7-2)

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

Moved Cr Doran-Wu, **Seconded** Cr Torre

That a new dot point be added to clause (i) as follows:

- *“Page 4 - Overview, Key Trends and Challenges - Network City - delete the words “more compact” after the word “vibrant”;”;*”

Debate ensued.

AMENDMENT LOST (4-5)

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

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.3

That the Council;

(i) **ADOPTS IN PRINCIPLE** the Draft Plan for the Future as shown in Appendix 10.4.3 subject to the following change being made:

- **Page 4 - Overview, Key Trends and Challenges - Economic sustainability - delete the paragraph relating to the “Underground Power Program” and replace with the following:**

“The State Underground Power Program is anticipated to take in excess of 20 years. The failure of the State Government to take responsibility for this implementation places pressure on the Town to coordinate and manage the process. Escalating costs may make the program inaccessible to the disadvantaged, placing a greater burden on the Town’s resources and those ratepayers with the ability to pay.”; and

- **Page 4 - Overview, Key Trends and Challenges - Asset Management - delete the second paragraph relating to the “Leederville Masterplan” and replace with the following:**

“The development will deliver triple bottom line benefits, will be based on transit oriented development principles and will be undertaken in partnership with other key stakeholders.”;

(ii) **APPROVES** of the “Plan for the Future” to comprise of the:

- (a) **Strategic Plan 2006-2011**
- (b) **Strategic Financial Management Plan 2006-2016 as “Laid on the Table” and separately circulated to Elected Members;**
- (c) **Strategic Asset Management Plan 2006-2026 (currently being developed); and**
- (d) **associated key documents, including (but not limited to):**
 - **Town Planning Scheme No 1;**
 - **Economic Development Strategy;**
 - **Vincent Vision 2024;**
 - **Residential Design Elements Policy;**
 - **Municipal Heritage Inventory;**
 - **Sustainable Environment Plan (Draft);**
 - **Safer Vincent Crime Prevention Plan (Draft being developed);**
 - **Disability Access and Inclusion Plan;**
 - **Seniors Strategy;**
 - **Carparking Strategy;**
 - **Workforce Plan;**
 - **Information Technology Plan;**
 - **Customer Service Plan;**
 - **Adopted Policies;**

- (iii) **APPROVES** of the following consultation process for the Plan for the Future:
1. document to be advertised for a period of six (6) weeks;
 2. document to be placed on the Town's website and copies provided at the Customer Service Centre at the Administration Centre and in the Town's Library;
 3. Town's facilitators to provide a workshop for electors and ratepayers;
 4. document to be provided to each Community/Precinct Group and the Town's Chief Executive Officer to provide a detailed presentation/explanation of the Plan for the Future at a Public Meeting; and
 5. a special edition newsletter to be issued to all ratepayers, summarising the Plan and seeking comment and submissions;
- (iv) **NOTES** that the Town will be facilitating a meeting for the public seeking input and comment into the Draft Strategic Plan; and
- (v) **AUTHORISES** the Chief Executive Officer to:
- (a) advertise the Draft Plan for the Future for a period of six (6) weeks seeking public comment; and
 - (b) report back to Council with any public submissions received.
-

PURPOSE OF REPORT:

The purpose of the report is to adopt in principle the Draft Plan for the Future and advertise it for six (6) weeks for public comment.

BACKGROUND:

This item was considered at the Ordinary Meeting of Council held on 11 July 2006, whereby the matter was "*DEFERRED to allow an Elected Member's Forum to be held*".

The matter was considered at the Forum held on 15 August 2006. The Chief Executive Officer provided an explanation of the document and answered questions from Councillors. The draft document has been amended to include comments expressed at the Forum and also referenced to key strategic documents.

At the Ordinary Meeting of Council held on 21 December 2004, the Council approved and adopted its amended Strategic Plan 2003-2008 and resolved as follows:

"That the Council;

...

- (iv) *REVIEWS its Strategic Plan in mid to late 2005 and considers an amount of \$10,000 in the draft Budget 2005/06 for this matter."*

DETAILS:

Preparation of Draft Document

In January and February 2006, the Town's Senior Officers (Executive Managers and Managers) met with the Town's consultants (Australian Institute of Management – Integral Leadership Centre) on several occasions and provided considerable background information. A forum with Elected Members and Senior Officers was held on 22 April 2006 and a draft document was provided.

The Draft Strategic Plan has been further refined by the Chief Executive Officer and Senior Officers and has indicative costings and timelines. It is now at a stage where consultation with the community is required prior to final adoption by the Council.

Draft Strategic Plan/Plan for the Future

In 2003 the State Department of Local Government and Regional Development undertook a major review of the Local Government Act 1995 and associated regulations, and removed the requirement for principal activity planning.

The Local Government Act 2004 was proclaimed on 31 March 2005. Section 42 amended the Act to remove the requirements for principal activity planning. Sections 5.56, 5.57 and 5.58 were repealed and in their place, a new section 5.56 was included which provided a more general obligation of "*plan for the future*". The new Section states:

"Section 5.56 – Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The regulations require local government to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years) and state that:

- A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan."*

The Act and regulations do not prescribe the format of the Plan for the Future – this is the prerogative of each local government.

The Act requires the Plan for the Future to cover a minimum period of at least two (2) financial years. Consultation is required with electors, ratepayers and residents. In this regard, the draft document will be advertised for community consultation and will be provided to all Community/Precinct Groups. The Town's consultants will facilitate a workshop with the public. Submissions and feedback from the community is to be considered and where appropriate, included into the Plan.

Plan for the Future

The Plan for the Future is designed to assist the Council, Administration and the community to understand the broad directions the Town will be taking in the future.

It is proposed that the Town's Plan for the Future document will consist of the following:

1. **Strategic Plan 2006-2011**

The Strategic Plan contains the:

- Purpose

The purpose defines the business of the Town. It is:

"To provide and facilitate services for a safe, healthy and sustainable community."

- Vision

The Vision is what we are striving to become. The Town's vision is:

"A sustainable and caring community built with vibrancy and diversity."

- Guiding Values

The Guiding Values are those that describe how we want to operate. These values are:

- Honesty and Integrity
- Excellence and Service
- Innovation and Diversity
- Caring and Empathy
- Teamwork and Commitment

- Strategic Objectives

The Strategic Plan has identified the following Key Objectives:

1. Natural and Built Environment

- Improve and maintain the natural and built environment and infrastructure.

2. Economic Development

- Progress economic development with adequate financial resources.

3. Community Development

- Enhance community development and wellbeing.

4. Leadership, Governance and Management

- Ensure good strategic decision-making, governance, leadership and professional management; supported by a positive and desirable workplace with technology for business improvement.

- Key Actions

The Draft Strategic Plan has identified a number of Key Actions. A summary (not in order of importance) of the Key Actions are as follows:

- Enhance centres and commercial areas.
- Review and implement the Town Planning Scheme & policies

- Enhance and maintain character and heritage.
- Enhance and maintain parks and community facilities.
- Enhance and maintain infrastructure.
- Develop and promote environmentally sustainable practices.
- Promote the Town as a place for investment
- Develop and promote partnerships and alliances.
- Promote business development.
- Identify needs and expectations of community.
- Reduce reliance on rates revenue.
- Provide a positive triple bottom line return.
- Implement the Leederville Masterplan.
- Celebrate cultural and social diversity.
- Provide a range of community programs.
- Continued implementation of the principles of universal access.
- Focus on community and customer needs.
- Enhance community safety programs.
- Develop leadership skills and behaviours.
- Plan effectively for the future.
- Enhance organisational business planning.
- Implement and promote Vincent Vision 2024
- Improve employee performance, recognition and reward.
- Promote employee satisfaction and wellbeing.
- Explore innovative ways of service delivery.
- Enhance knowledge management.

The Strategic Plan also links other strategic Town documents including:

- Town Planning Scheme No 1
- Economic Development Strategy
- Vincent Vision 2024
- Residential Design Elements
- Environment Plan (in draft – to be considered at OMC 22 August 2006)

2. Strategic Asset Management Plan

Asset management planning is a significant component of the Plan for the Future. A major part of the Town's activities revolve around the management of its assets to ensure that they remain appropriate to community requirements both now and in the future.

The Town is currently undertaking a detailed analysis of the existing asset base to determine the projected rate of expenditure required to maintain the Town's assets (buildings, roads, footpaths, major plant, bores etc) to ensure meaningful and effective levels of service for each asset over its entire life cycle. This detailed analysis will provide information on the required asset investment and these requirements will be reflected in the Strategic Financial Plan, which will initially cover a ten (10) year period (and in some cases longer eg 20-40 years).

It is anticipated that this plan will be finalised in the 2006-07 financial year.

3. Strategic Financial Plan 2006-2016

The Strategic Financial Plan is a significant component of the Plan for the Future and provides a broad strategic overview of the major projects and programs that the Town will be undertaking over the next ten (10) years, links the Town's financial capacity with the strategic direction detailed in the Town's Strategic Plan 2006 – 2011 and allocates indicative sums of money to potential projects to ascertain whether the Town has the capacity to fund them when required. In some instances, it will also make long term financial projections (20 years and longer).

Sixteen (16) separate areas have been identified as 'Major Activities' of the Town and the purpose of the Plan is to provide an overview of major projects, programs and services proposed within each of these activities for the period 2005/06 to 2016. The Plan also details the performance indicators that will be used to measure the Town's success in delivering these services to the community in an efficient and effective manner.

This Plan also summarises the Town's objectives which include:

- Major redevelopment projects
- Operating expenditure
- Rates revenue.

It has been prepared with the use of a number of existing programs and services which include:

- Road Resurfacing Program
- Main Roads Funding Program
- Roads to Recovery Program
- Right of Way Program
- Parks and Reserve Development Program
- Playground Upgrade Program
- Park Furniture Upgrade Program
- Major Plant and Equipment Replacement Program
- Light Vehicle Replacement Program
- Greenway Project
- Car Parking Strategy
- Leederville Masterplan – Working Group
- Vincent Vision 2024
- Economic Development Strategy
- Seniors Strategy
- Safer Vincent Initiatives
- Disability Access and Criterion Plan

4. Annual Plan

The Annual Plan is a new document and is the result of Corporate priorities identified by the Town's Executive Management Team (comprises Chief Executive Officer, Executive Managers Corporate Services, Technical Services and Environmental and Development Services) together with the annual strategic priorities identified by the Elected Members. These priorities are matters which are considered in the process leading up to the preparation of the Annual Budget. The priorities take cognisance of:

- financial capacity to deliver;
- operational impact on the program or service;

- seasonal requirements;
- workforce workload (leave periods, public holidays etc).

The priorities are then considered for inclusion in the Annual Budget.

Following adoption of the Annual Budget, the Council adopts a Priority Program for implementation of the key project, programs and services. This Annual Priority Program will replace the previous “Capital Works Program” following the adoption of the Annual Budget.

The Annual Plan will also contain Key Performance Indicators and also more precise detail about Capital Works Programs (eg ROW Upgrade Program, Footpath Upgrade Programme etc).

5. Annual Budget

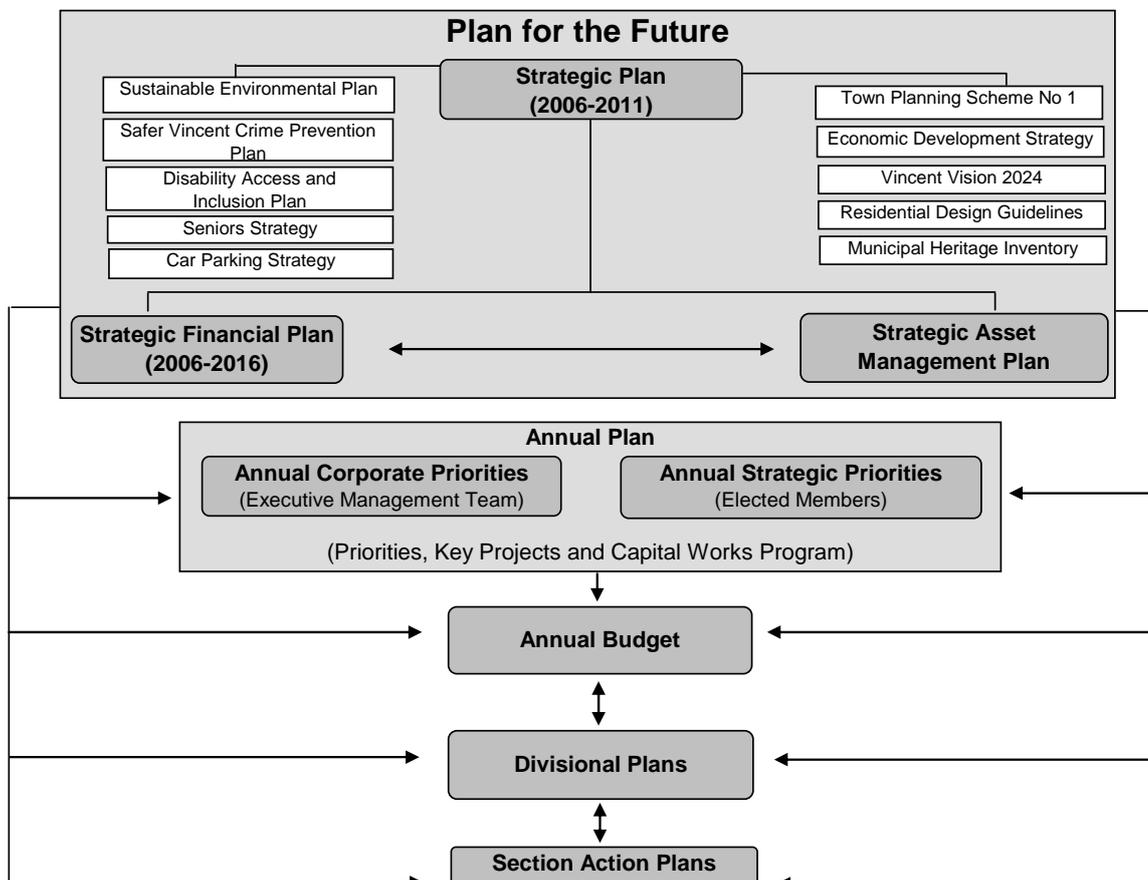
The Annual Budget document remains unchanged and contains the activities, capital works and projects and income and expenditure statements which are to be carried out in the financial year. The Budget contains the financial details in considerable detail, including a brief description of projects, programs and services.

6. Divisional and Section Plans

These are annual plans which are prepared and contain the operational details on how the Budget and Capital Works Programmes are implemented.

5. The Process

The following diagram illustrates the process undertaken to formulate the various plans and documents and how they inter-relate with each other.



CONSULTATION/ADVERTISING:

The Local Government Act now requires the Plan for the Future to be the subject of consultation with the electors and ratepayers.

The Plan is to contain a description of the involvement by the electors and ratepayers in the development of the Plan.

The following consultation process is recommended:

1. Document to be advertised for a period of six (6) weeks.
2. Document to be placed on the Town's website and copies provided at the Customer Service Centre at the Administration Centre and in the Town's Library.
3. Town's facilitators to provide a workshop for electors and ratepayers.
4. Document to be provided to each Community/Precinct Group and the Town's Chief Executive Officer to provide a detailed presentation/explanation of the Plan for the Future at a public meeting.
5. A special edition newsletter to be issued to all ratepayers, summarising the Plan and seeking comment and submissions.

LEGAL/POLICY:

It is now a legal requirement for each local government to have a Plan for the Future, which is to be prepared for the 2007-08 budget period onwards. As the Town is well advanced in its review of the Strategic Plan, it is appropriate to consider the Plan for the Future as part of this current process. The former Principal Activities Plan is no longer required, and in essence will be replaced by the Strategic Financial Plan and the Strategic Asset Management Plan (currently being developed).

The Local Government Act and regulations do not prescribe the format for the required Plan for the Future. Enquiries with other local governments reveal that they are considering the Plan for the Future to be a combination of various plans, such as Strategic Plan, long term financial plans etc. It is acknowledged that the Plan for the Future can cover a wide range of matters and can be extremely large and comprehensive. A view of a number of local governments is that the Plan for the Future can encompass a variety of plans already prepared by local governments. This is a logical view and is supported.

1. The Local Government Act (section 5.56) is a new provision. It requires each local authority to prepare a Plan for the Future in respect of each financial year after the financial year ending 30 June 2006. The Plan must cover a period of at least two years. The former Principal Activities Plan is replaced by the Plan for the Future and is no longer required.
2. Consultation is required with electors and ratepayers during the development of the Council's future Plan.
3. The specific matters that the Local Government (Administration) Regulations require to be included in the future Plan are set out in Regulation 19C which reads as follows:

“Regulation 19C

- a) *In this regulation and regulation 19D:*
- ‘Plan for the future’ means a Plan made under Section 5.56.*
- b) *A local government is to make a Plan for the future of its district in respect of the period specified in the Plan (being at least 2 financial years).*
- c) *A Plan for the future of a district is to set out the broad objectives of the local government for the period specified in the Plan.*
- d) *A local government is to review its current Plan for the future of its district every 2 years and may modify the Plan, including extending the period the Plan is made in respect of.*
- e) *A Council is to consider a Plan, or modifications, submitted to it and is to determine* whether or not to adopt the Plan, or the modifications, as is relevant.*
**Absolute majority required*
- f) *If a Plan, or modified Plan, is adopted by the Council then the Plan or modified Plan is to apply to the district for the period of time specified in the Plan.*
- g) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a Plan for the future of the district, and when preparing any modifications of a Plan.*
- h) *A Plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the Plan, and any modifications to the Plan.*
- i) *A local government is to ensure that a Plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.*

4. Regulation 19D sets out requirements for given public notice of the Council’s future Plan.

STRATEGIC IMPLICATIONS:

Progress reports on the Strategic Plan are reported to Council for each quarter as follows:

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

The quarterly progress reports will continue to be provided and will also include quarterly reports on the Annual Plan (previously the Capital Works Program). 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:

An amount of \$8,500 is contained in the Budget 2005-06 for the Review of the Strategic Plan. To date, approximately \$4,000 has been spent on the consultants assisting in the preparation of the Plan. If a separate newsletter is to be issued, additional funds of approximately \$4,000 will be required.

COMMENTS:

The Council's Plan will provide the direction for the Elected Council and the Town's administration for the future. It will also provide information to the electors and ratepayers on the broad direction the Town will be taking in the future. Accordingly, it is appropriate that the process involve community consultation on a wide basis.

As the review of the Town's Strategic Plan has changed slight direction, to incorporate the Plan for the Future requirements and also information about the long term financial plan, progress has been slower than previously reported to Council. However, the final outcome will be more beneficial and will provide the Council will a Plan for the Future, a year in advance of the date when it is legally required to be provided.

The Chief Executive Officer recommends the Council approve of the Officer Recommendation.

10.4.4 Review and Adoption of Delegated Authority 2006/07

Ward:	All	Date:	16 August 2006
Precinct:	-	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegation Register, as shown in Appendix 10.4.4 and the following:

(i) *Amended Delegation No 30;*

<i>No.</i>	<i>Area</i>	<i>Description of Council Function Delegated to the Chief Executive Officer from Council</i>	<i>Assignee(s)</i>	<i>Conditions</i>
<i>30</i>	<i>Engineering Services</i>	<i>Temporary closure of streets during the making, <u>linemarking</u>, altering or repair of a street <u>or for a street parade/procession</u>. Authority to prevent passing of vehicles by placing barriers across the road</i>	<i>EMTS MEDS</i>	<i>The road closure being limited to a minimum period. Access being maintained to properties. Compliance with the Local Government Act 1995.</i>

(ii) *New Delegations Nos 108, 109 and 110.*

<i>No.</i>	<i>Area</i>	<i>Description of Council Function Delegated to the Chief Executive Officer from Council</i>	<i>Assignee(s)</i>	<i>Conditions</i>
<i>108</i>	<i>Planning, Building and Heritage Services</i>	<i>Authority to exercise discretion and to approve variations to Planning Approval Plans and Building Licence Plans, where the variations do not result in any of the following:</i> <i>(i) greater relaxation of the relevant acceptable development standards and requirement;</i> <i>(ii) relaxation of the</i>	<i>EMEDS MPBHS</i>	<i>(i) The variations to the Planning Approval Plans and Building Licence Plans comply with the provisions of the Town of Vincent's Policy 3.5.18 - Variations to Planning Approval and Building Licence Plans.</i> <i>(ii) Report to the Council on a quarterly basis.</i>

		<p><i>relevant acceptable development standards and requirements which was not approved as part of the previous Planning Approval plans; and</i></p> <p><i>(iii) amendment to the description of the approved development on the Planning Approval.</i></p>		
109	<p>Planning, Building and Heritage Services</p>	<p><i>Authority to exercise discretion and to refuse, approve and apply conditions to planning applications for the following Category 4 developments (developments of a minor complex nature or impact) including:-</i></p> <ul style="list-style-type: none"> <i>• Home occupations;</i> <i>• Carports;</i> <i>• Garages;</i> <i>• Outbuildings;</i> <i>• Patios;</i> <i>• Front/street walls and fences;</i> <i>• Signs;</i> <i>• and the like.</i> <p><i>(Note: Development of a minor nature that is specified in the Town of Vincent's Policy - Minor Nature Development, does not require planning approval.)</i></p>	<p>EMEDS MPBHS</p>	<p><i>(i) The application is processed and assessed in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, Policies and Local Laws, and the Residential Design Codes, where applicable; and</i></p> <p><i>(ii) Report to the Council on a quarterly basis.</i></p>

<p>110</p>	<p>Planning, Building and Heritage Services</p>	<p>Authority to exercise discretion and to refuse, approve and apply conditions to planning applications for the following developments:-</p> <p>(i) Category 3 development applications (developments of a marginal complex nature or impact) including:</p> <ul style="list-style-type: none"> • Single-storey and two-storey residential development comprising - <ul style="list-style-type: none"> - Alterations and/or additions to dwellings; or - A total maximum of two (2) dwellings (excluding new dwellings in areas coded R 20); and • Single-storey and two-storey non-residential development. <p>(ii) Single-storey and two-storey residential development comprising three (3) or more dwellings (excluding new dwellings in areas coded R 20).</p> <p>(Note: Development of a minor nature that is specified in the Town of Vincent's Policy - Minor Nature Development, does not require planning approval.)</p>	<p>EMEDS MPBHS</p>	<p>(i) The application is processed and assessed in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, Policies and Local Laws, and the Residential Design Codes, where applicable; and</p> <p>(ii) Report to the Council on a quarterly basis.</p>
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Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be amended to read as follows:

That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegation Register, as shown in Appendix 10.4.4 and the following subject to clause (ii) under the heading of "Description" of Delegation No 110 being deleted:

AMENDMENT CARRIED (9-0)

Moved Cr Chester, Seconded Cr Maier

That delegation No 110 be deleted from clause (ii) of the recommendation.

Debate ensued.

Executive Manager Technical Services left the meeting at 10.00pm.

AMENDMENT LOST (3-6)

For

Cr Chester
Cr Lake
Cr Maier

Against

Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Messina
Cr Torre

Moved Cr Messina, Seconded Cr Doran-Wu

That the preamble to clause (ii) be amended as follows:

“(ii) New Delegations Nos 108, 109 and 110; subject to Council approval for Delegation No 110 ceasing on 31 December 2006;

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED BY AN ABSOLUTE MAJORITY (9-0)

COUNCIL DECISION ITEM 10.4.4

That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegation Register, as shown in Appendix 10.4.4 and the following subject to clause (ii) under the heading of "Description" of Delegation No 110 being deleted:

(i) *Amended Delegation No 30;*

No.	Area	Description of Council Function Delegated to the Chief Executive Officer from Council	Assignee(s)	Conditions
30	<i>Engineering Services</i>	<i>Temporary closure of streets during the making, <u>linemarking</u>, altering or repair of a street <u>or for a street parade/procession</u>. Authority to prevent passing of vehicles by placing barriers across the road</i>	<i>EMTS MEDS</i>	<i>The road closure being limited to a minimum period. Access being maintained to properties. Compliance with the Local Government Act 1995.</i>

(ii) *New Delegations Nos 108, 109 and 110; subject to Council approval for Delegation No 110 ceasing on 31 December 2006;*

No.	Area	Description of Council Function Delegated to the Chief Executive Officer from Council	Assignee(s)	Conditions
108	<i>Planning, Building and Heritage Services</i>	<i>Authority to exercise discretion and to approve variations to Planning Approval Plans and Building Licence Plans, where the variations do not result in any of the following: (i) <i>greater relaxation of the relevant acceptable development standards and requirement;</i> (ii) <i>relaxation of the relevant acceptable development standards and requirements which was not approved as part of the previous Planning Approval plans; and</i> (iii) <i>amendment to the description of the approved development on the Planning Approval.</i></i>	<i>EMEDS MPBHS</i>	<i>(i) The variations to the Planning Approval Plans and Building Licence Plans comply with the provisions of the Town of Vincent's Policy 3.5.18 - Variations to Planning Approval and Building Licence Plans. (ii) Report to the Council on a quarterly basis.</i>

<p>109</p>	<p><i>Planning, Building and Heritage Services</i></p>	<p><i>Authority to exercise discretion and to refuse, approve and apply conditions to planning applications for the following Category 4 developments (developments of a minor complex nature or impact) including:-</i></p> <ul style="list-style-type: none"> • <i>Home occupations;</i> • <i>Carports;</i> • <i>Garages;</i> • <i>Outbuildings;</i> • <i>Patios;</i> • <i>Front/street walls and fences;</i> • <i>Signs;</i> • <i>and the like.</i> <p><i>(Note: Development of a minor nature that is specified in the Town of Vincent's Policy - Minor Nature Development, does not require planning approval.)</i></p>	<p>EMEDS MPBHS</p>	<p>(i) <i>The application is processed and assessed in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, Policies and Local Laws, and the Residential Design Codes, where applicable; and</i></p> <p>(ii) <i>Report to the Council on a quarterly basis.</i></p>
<p>110</p>	<p><i>Planning, Building and Heritage Services</i></p> <p><u>THIS DELGATION IS TO CEASE ON 31 DECEMBER 2006.</u></p>	<p><i>Authority to exercise discretion and to refuse, approve and apply conditions to planning applications for the following developments:-</i></p> <p>(i) <i>Category 3 development applications (developments of a marginal complex nature or impact) including:</i></p> <ul style="list-style-type: none"> • <i>Single-storey and two-storey residential development comprising -</i> <ul style="list-style-type: none"> - <i>Alterations and/or additions to dwellings; or</i> - <i>A total maximum of two (2) dwellings (excluding new dwellings in areas coded R 20); and</i> 	<p>EMEDS MPBHS</p>	<p>(i) <i>The application is processed and assessed in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, Policies and Local Laws, and the Residential Design Codes, where applicable; and</i></p> <p>(ii) <i>Report to the Council on a quarterly basis.</i></p>

		<ul style="list-style-type: none"> • <i>Single-storey and two-storey non-residential development.</i> <p>(ii) Single-storey and two-storey residential development comprising three (3) or more dwellings (excluding new dwellings in areas coded R 20).</p> <p><i>(Note: Development of a minor nature that is specified in the Town of Vincent's Policy - Minor Nature Development, does not require planning approval.)</i></p>		
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PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval of the Delegations Register for the 2006-2007 year, including three (3) new and one (1) amended delegations as detailed in this report.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The CEO exercises the delegated authority in accordance with the Council's policies.

The CEO has reviewed the current delegation register. The register is the same as that adopted last year and includes delegations which have been approved during the year by the Council.

Planning and Building Delegations

The Independent Organisational Review dated April 2003, Recommendation 6 stated:

"Council request a report from the Chief Executive Officer recommending delegated authority to the Manager Planning and Building Services to approve specified development applications wherever practicable and legally acceptable to competent staff with accompanying draft guidelines for Council's consideration."

At the Ordinary Meeting of Council held on 28 March 2006, the Council considered a confidential report concerning the review of Planning processes, delegations and associated policies in relation to planning applications and approvals.

The Council DEFERRED consideration of the report and referred it to a Forum. A copy of this Confidential Report has been separately issued to Elected Members.

The matter was considered at a Forum held on 18 April 2006, whereby it was suggested that the Town's administration review the delegations and report to Council.

Action Taken:

Since April 2006, the Town's Chief Executive Officer, Executive Manager Environmental & Development Services and Manager Planning, Building and Heritage Services have monitored the processing of development applications and building licences on a weekly basis. This has revealed the following;

Review of Processes, Use of Delegations and Reports to Council

1. The number of development applications awaiting processing and determination has remained consistently high at any one time (usually between 100-155).
2. The use of contract Planning Officers to maintain reasonable processing time has been necessary, due to the lack of delegations, long service leave and sick leave in the Section.
3. The use of a Planning Officer to primarily deal with Category 3 and 4 applications (minor developments) has worked reasonably well, however the effort is frustrated by a lack of delegation.
4. The number of applications being reported to the Council for determination has remained consistently high, with 900 total reports in the 2005-06 year.
5. The number of pre-Council Councillor enquiries about Development Approvals has been consistently high, which also adds to the workload - in essence, most of Monday and Tuesday preceding the Council meeting is dedicated to dealing with the Councillor enquiries.

Decisions of Council – (Corrected as at 22 August 2006)

The following is a summary of matters considered by the Council for 2005/06:

Item	03/04	%	04/05	%	05/06	%
Items considered	769	-	840	-	900	-
Recommendations adopted	489	63.5	614	73.09	542	60.22
Recommendations amended	199	25.9	365 <u>163</u>	43.45 <u>19.4</u>	223	24.77
Recommendations Not Adopted	33	4.3	52 <u>14</u>	5.71 <u>1.7</u>	38	4.2
Items deferred	47	6.2	48	5.71	91	10.11
Items "Laid on the Table"	1	0.1	1	1.7 <u>0.1</u>	6	0.6
Notices of Motion	30	-	10	-	17	-

The statistics reveal that:

- There has been a 6.7% increase in the number of reports to Council (mainly development application reports).
- There has been a 12.8% decrease in the number of recommendations adopted by Council.
- There has been an 8.5% decrease in the number of reports carried "en bloc".
- There has been a 4.4% increase in the number of deferred items (43 reports).
- There has been a 36.8% increase in the number of recommendations amended (60 reports).

All of the above have contributed to the overall workload.

Number of Applications

The following is a summary of applications for 2005/06:

KEY PERFORMANCE INDICATORS	03/04	04/05	05/06
Comparative Indicators			
• Development applications	532	471	513
• Survey strata title applications	52	32	24
• Subdivision referrals	40	28	51
• Change of land use applications	24	46	38
• Home occupation applications	24	28	7
• Total number of planning applications determined through the year	672	605	633

The number of applications during 2005/06, for the period of January to August 2006, is as follows;

As at **13 January 2006**, a total of 142 planning applications had not been determined. Details are as follows:

Category	1	2	3	4	Total	Applications received 12/11/2005 to 13/01/2006
Proportion of Planning Application	5 (3.52%)	22 (15.50%)	83 (58.45%)	32 (22.53%)	142* (100%)	118 (average 13.11 per week)

As at **10 March 2006**, a total of 144 planning applications had not been determined. Details are as follows:

Category	1	2	3	4	Total	Applications received 14/01/2006 to 10/03/2006
Proportion of Planning Application	12 (8.34%)	17 (11.81%)	88 (61.1%)	27 (18.75%)	144* (100%)	97 (average 12.13 per week)

As at **7 April 2006**, a total of 153 planning applications had not been determined. Details are as follows:

Category	1	2	3	4	Total	Applications received 31/3/2006 to 7/4/2006
Proportion of Planning Application	13 (8.5%)	20 (13.07%)	93 (60.78%)	27 (17.65%)	153 (100%)	11 (average 11 per week)

As at **5 May 2006**, a total of 122 planning applications had not been determined. Details are as follows:

Category	1	2	3	4	Total	Applications received 01/05/2006 to 05/05/2006
Proportion of Planning Application	10 (8.20%)	11 (9.02%)	84 (68.85%)	17 (13.93%)	122 (100%)	9 (average 9 per week)

As at **9 June 2006**, a total of 143 planning applications had not been determined. Details are as follows:

Category	1	2	3	4	Total	Applications received 06/06/2006 to 09/06/2006
Proportion of Planning Application	10 (6.99%)	17 (11.89%)	80 (55.94%)	36 (25.18%)	143 (100%)	16 (average 16 per week)

As at **1 July 2006**, a total of 150 planning applications had not been determined. Details are as follows:

Category	1	2	3	4	Total	Applications received 26/06/2006 to 30/06/2006
Proportion of Planning Application	12 (8.00%)	17 (11.33%)	93 (62.00%)	28 (18.67%)	150 (100%)	4 (average 4 per week)

As at **4 August 2006**, a total of 155 planning applications had not been determined. Details are as follows:

Category	1	2	3	4	Total	Applications received 03/07/2006 to 04/08/2006
Proportion of Planning Application	14 (9.03%)	14 (9.03%)	104 (67.10%)	23 (14.83%)	155 (100%)	50 (average 10 per week)

As at **11 August 2006**, a total of 148 planning applications had not been determined. Details are as follows:

Category	1	2	3	4	Total	Applications received 07/08/2006 to 11/08/2006
Proportion of Planning Application	13 (8.78%)	14 (7.43%)	102 (68.92%)	22 (14.87%)	148 (100%)	9 (average 9 per week)

The following is the current status relating to outstanding Planning Applications as at 11 August 2006:

1	Suspended - awaiting SA advertising by applicant	1
2	Suspended - awaiting further information	34
3	Suspended - at applicant's request	2
4	Suspended - awaiting DPI determination	-
5	Suspended - awaiting amended/revised plans	1
6	Deferred by Council	4
	Total Suspended Applications	42
7	Assessing	87
8	Advertising	15
9	Waiting to be advertised	4
10	To be issued	-
11	To be allocated	-
	Total Active Applications	106
	TOTAL APPLICATIONS	148

Processing Time Targets

Over the previous six months, every endeavour has been made to process applications in accordance with the following timeframes.

- *Category 1*: 60 days maximum.
- *Category 2*: 60 days maximum / 28 days maximum, where no archival search was required.
- *Category 3*: 42 days maximum / 28 days where the application was considered not supportable and recommended for refusal.
- *Category 4*: 21 days maximum for not supportable applications, requiring a report to the Council for determination; 28 days for supportable applications, requiring a report to the Council; and 14 days for applications determined under delegated authority.

The following is a summary of the application and approval times for 2005/06:

KEY PERFORMANCE INDICATORS	03/04	04/05	05/06
• Average planning application processing time	45 days	60 days	67 days
• Development applications	70 days	66 days	66 days
• Survey strata title applications	36 days	46 days	46 days
• Subdivision referrals	28 days	35 days	36 days
• Change of land use applications	63 days	76 days	69 days
• Home occupation applications	39 days	37 days	62 days
• Percentage of applications processed within statutory time frame	68%	60%	45% (approximately)

The time taken to process application has remained high and the number of applications processed within the statutory 60 day period has dropped to 45%. This is of concern to the Chief Executive Officer.

Factors Affecting Processing of Applications:

Employee Matters

Planning, Building and Heritage Services:

The current chronic shortage of suitable Planning Officers (and other professional staff) continues to be of a major concern. This has resulted in a highly mobile workforce, with a large number of Planning Officers being recruited to the Private Sector, attracted by better remuneration. It is expected that this will continue whilst the current economic climate exists.

During 2005/06, there have been two (2) Planning Officer resignations in the Section (Senior Planning Officer - Strategic and Planning Officer - Strategic). One went to the East Perth Redevelopment Authority for wider experience and one to a private Planning Practice for substantially more remuneration. This turnover is considered normal for the Town. It should be noted that some local governments have experienced up to 25% turnover. (The Town experienced an overall 16% turnover in 2005/06.)

There have been several attempts by other Councils and Private Sector companies to "poach" the Town's experienced Planning Officers and Building Surveyors. This has necessitated a review of the Town's situation. To prevent staff turnover, an increase in remuneration has been necessary and has been implemented for the following positions;

- Principal Building Surveyor
- Senior Building Surveyor (*under review*)
- Principal Planning Officer
- Senior Planning Officer - Statutory
- Senior Planning Officer - Strategic
- Planning Officers - Statutory and Strategic
- Senior Heritage Officer
- Heritage Officer (*under review*)
- Senior Environmental Health Officer
- Environmental Health Officers

The Town's Chief Executive Officer has benchmarked salaries and believes that the Town is competitive. Notwithstanding, unless there is a significant change in the use of delegations or processing of applications, the Planning Officers will continue to be frustrated and increased staff turnover can be expected.

Customer Service Centre:

Over the previous six months, there has been considerable employee turnover in the Centre. The former Co-ordinator was transferred to the role of Relieving Officer (by mutual agreement) and the Senior Customer Service Officer has been appointed to the Acting role of Co-ordinator.

The two Approval Liaison Officer positions have been stable and are performing at a satisfactory level.

One part-time Switch Operator transferred to Ranger Services and a new Switch Operator has been engaged.

Two Customer Service Officers resigned (one to travel overseas and one for maternity reasons) and both positions have been filled. The turnover has resulted in a loss of corporate knowledge.

It is considered that the turnover has stabilised and full training is being provided.

Municipal Heritage Inventory (MHI)

The review of the Town's MHI has resulted in considerable workload increase over the previous six months in the Planning, Building and Heritage Services Section and the Customer Service Centre. No major problems have been experienced, other than increased workload.

Actual Processing Times and Impact of Proposed New Delegations

Notwithstanding the numerous strategies and initiatives developed and implemented to reduce the number of outstanding development applications and processing times, the processing times of development applications is still too long. The various factors contributing to the delay in processing times include the following:

- Only 37 per cent of planning applications in 2005/2006 were determined under delegated authority. This has resulted in an increase in the number of reports to the Council, with the resultant workload associated with this.
- A significant amount of Elected Members' queries received on both Monday and Tuesday prior to the respective Ordinary Meetings, results in the Planning Officers (and management) not being able to assess and process development applications during these two days each fortnight - indicatively, this is approximately 10 applications not being assessed during these 2 days per fortnight.
- Since 1 July 2005, there has been a very high turnover (86%) of the temporary Planning Officers engaged to assist in the processing of development applications. This is due to the chronic shortage of officers, the high mobility in the workforce and the demand for their services.
- An increasing amount of development application items being deferred at the Ordinary Meeting of Council, and this consumes a significant amount of time and resources to obtain and provide additional information and prepare further reports.

- An increase amount of statutory planning related queries being received by the Town, including queries on development potential, preliminary development plans, and amended Planning Approval plans, especially given the buoyant property and building construction market.
- A substantial increase in the extent of community consultation as a result of the Community Consultation Policy adopted by Council on 13 September 2005. Indicatively, the Policy increases the development application processing time by some 20 per cent.

The proposed new delegations are expected to reduce the average development application processing time by approximately ten (10) working days.

Consultation Process

Subsequent to the Council providing increased delegation for development applications, it is proposed that no change to the consultation process be made at this stage. However, it should be noted (as previously reported) that the Town's current consultation process does contribute to a delay in processing time and an examination of this is currently being carried out to ascertain facts and whether the extent of the consultation can be refined and/or improved.

Engineering Services - Amendment of Existing Delegation

No.	Area	Description of Council Function Delegated to the Chief Executive Officer from Council	Assignee(s)	Conditions
30	Engineering Services	Temporary closure of streets during the making, <u>linemarking</u> , altering or repair of a street <u>or for a street parade/procession</u> . Authority to prevent passing of vehicles by placing barriers across the road	EMTS MEDS	The road closure being limited to a minimum period. Access being maintained to properties. Compliance with the Local Government Act 1995.

Comment:

This delegation will involve about six parades or processions each year, and whilst it may not significantly reduce the workload, it will be more efficient by reducing the processing time of the applications.

New Delegation - Planning, Building and Heritage Services

No.	Area	Description of Council Function Delegated to the Chief Executive Officer from Council	Assignee(s)	Conditions
108	Planning, Building and Heritage Services	Authority to exercise discretion and to approve variations to Planning Approval Plans and Building Licence Plans, where the variations do not result in any of the following:	EMEDS MPBHS	(i) The variations to the Planning Approval Plans and Building Licence Plans comply with the provisions of the Town of Vincent's Policy 3.5.18 - Variations to Planning

		<p>(i) greater relaxation of the relevant acceptable development standards and requirement;</p> <p>(ii) relaxation of the relevant acceptable development standards and requirements which was not approved as part of the previous Planning Approval plans; and</p> <p>(iii) amendment to the description of the approved development on the Planning Approval.</p>		<p>Approval and Building Licence Plans; and</p> <p>(ii) Report to the Council on a quarterly basis.</p>
109	Planning, Building and Heritage Services	<p>Authority to exercise discretion and to refuse, approve and apply conditions to planning applications for the following Category 4 developments (developments of a minor complex nature or impact) including:-</p> <ul style="list-style-type: none"> • Home occupations; • Carports; • Garages; • Outbuildings; • Patios; • Front/street walls and fences; • Signs; • and the like. <p>(Note: Development of a minor nature that is specified in the Town of Vincent's Policy - Minor Nature Development, does not require planning approval.)</p>	EMEDS MPBHS	<p>(i) The application is processed and assessed in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, Policies and Local Laws, and the Residential Design Codes, where applicable; and</p> <p>(ii) Report to the Council on a quarterly basis.</p>

110	Planning, Building and Heritage Services	<p>Authority to exercise discretion and to refuse, approve and apply conditions to planning applications for the following developments:-</p> <p>(i) Category 3 development applications (developments of a marginal complex nature or impact) including:</p> <ul style="list-style-type: none"> • Single-storey and two-storey residential development comprising - <ul style="list-style-type: none"> - Alterations and/or additions to dwellings; or - A total maximum of two (2) dwellings (excluding new dwellings in areas coded R 20); and • Single-storey and two-storey non-residential development. <p>(ii) Single-storey and two-storey residential development comprising three (3) or more dwellings (excluding new dwellings in areas coded R 20).</p> <p>(Note: Development of a minor nature that is specified in the Town of Vincent's Policy - Minor Nature Development, does not require planning approval.)</p>	EMEDS MPBHS	<p>(i) The application is processed and assessed in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, Policies and Local Laws, and the Residential Design Codes, where applicable; and</p> <p>(ii) Report to the Council on a quarterly basis;</p>
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108. Variations to Planning Approval Plans and Building Licence Plans.

The Town at its Ordinary Meeting held on 20 September 2005 adopted the Town's Policy relating to *Variations to Planning Approval and Building Licence Plans*. The subject delegated authority reflects this Policy where the variation procedure in the Policy states that the *'amended plans are approved by the Town of Vincent's Executive Manager Environmental and Development Services and/or Manager Planning, Building and Heritage Services under delegated authority from the Council'*, under specific variation criteria.

Comment:

With proposed Delegation No. 108, this is already available to the Town's Administration, however, the Town's Chief Executive Officer believes that the Council should be aware of this delegation.

109 and 110. Refusals and Approvals of Planning Applications for Category 3 and 4 Development

The subject delegated authority generally reflects the Officer Recommendation, comments and details contained in the Confidential Report (Item 14.1) to the Ordinary Meeting of Council held on 28 March 2006.

Comment:

With respect to proposed Delegation Nos. 109 and 110, these relate to minor development applications (as previously reported to the Council).

Demolition Applications

Demolition applications that do not require a heritage assessment is a Category 3 application, while an application that does require a heritage assessment is a Category 2 application.

The authority to approve (not refuse) demolition applications (whether or not a heritage assessment is required) is already delegated under *Delegation 92*.

Subdivision Applications

Subdivision applications are a Category 3 application. The authority to make recommendations to the Western Australian Planning Commission on subdivision, amalgamation, survey-strata, and strata applications is already delegated under *Delegation 69*.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

Quarterly reports detailing the administration's use of delegations are reported to the Council as follows:

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

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the Council's Strategic Plan 2005-2010 (Amended) *"Key Result Area 4.2 – Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town"*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Chief Executive Officer is of the opinion that despite the best efforts of the Town's administration to provide a more efficient and effective service delivery for the processing of development applications, this is not being achieved under the current conditions.

The increased consultation and advertising of applications, chronic shortage of experienced Planning Officers, number of pre-Council Elected Member queries and requests coupled with the lack of real delegated authority to deal with applications is considered to be the main source of contention. Unless there is a change, the current frustration and delays currently being experienced by both applicants and Planning Officers will continue. As previously reported, unless there is a significant change in the manner of processing development applications, the current process timeframes and stabilisation of employee turnover cannot be sustained in the longer term.

Accordingly, it is recommended that the delegations for 2006/07 be approved by the Council.

10.4.7 Sustainable Environment Plan 2006 - 2011

Ward:	Both	Date:	15 August 2006
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman, R Lotznicker, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES IN PRINCIPLE** the Draft Sustainable Environment Plan 2006 – 2011, as shown in Attachment 10.4.7; and
- (ii) **AUTHORISES** the Chief Executive Officer to:
 - (a) *advertise the Draft Sustainable Environment Plan 2006 – 2011 for a period of six (6) weeks seeking public comment; and*
 - (b) *report back to Council with any public submissions received.*

COUNCIL DECISION ITEM 10.4.7

Due to the lateness of the hour this Item was to be held over to the next meeting. Cr Ker requested that the Council consider referring this Item to the Sustainability Advisory Group in the first instance.

Moved Cr Ker, Seconded Cr Torre

That the Draft Sustainable Environment Plan 2006 - 2011 as shown in Appendix 10.4.7 be referred to the Sustainability Advisory Group for its consideration and comment prior to Council approving the Plan.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview and seek approval in principle of the proposed Sustainable Environment Plan 2006-2011 for the Town.

BACKGROUND:

As a result of the completion of the *Vincent Vision 2024* community engagement project and growing community concern regarding the environment, the Town has developed a Sustainable Environment Plan. The Sustainable Environment Plan (SEP) has been developed with the intention of improving the environmental performance in accordance with best practice management and due diligence. The implementation of the actions outlined in the SEP will span over a five year period, whereby the Sustainable Environment Plan will then be reviewed, and further actions put in place for the following five year period.

The Draft SEP will form part of the Plan for the Future for the Town, determine funding and incorporates a number of other key strategic documents. The process to date in developing the Draft SEP has involved:

- The establishment of a Working Group comprising representatives from each of the service areas within the Town;
- An audit and review of all current actions planned and underway, that are already represented in other strategic documents for the Town;
- Identification of five focus areas for the Town to address in the SEP; water, air, biodiversity, energy and waste management;
- Development of new objectives and actions for the Town in relation to the environment; and
- Correlation and alignment with the relevant Key Result Areas in the Town's Strategic Plan 2006-2011 and other key documents such as the Vincent Vision 2024, Economic Development Strategy, Budget and Town Planning Scheme No.1 and associated Policies.

DETAILS:

The Draft SEP 2006-2011 will form the basis for initiatives to be taken within the Town and wider community in regard to improving the Town's overall environmental performance and accountability. The Draft SEP brings to the fore environmental issues considered to be of strategic importance to the Town. These environmental issues have been categorised into the following five key focus areas; air, water, biodiversity, energy and waste management.

A number of internal workshops were held as part of the preparation of the Draft SEP. During the development of the SEP 2006-2011, the Working Group decided that the most appropriate approach would be to prepare a generic document, which focused on five key areas of importance to the Town, being water, air, biodiversity, energy and waste management. Within each of the five focus areas, key actions and timeframes have been identified. A priority action emanating from the SEP 2006-2011 will be the development of a SEP Implementation Strategy, which will provide a more comprehensive and detailed outline of how the actions will be implemented and what the anticipated timeframes would be.

Based on the priorities and evaluations made during the workshops, consideration of the current Strategic Plan and relevant Key Result Areas, policies, plans and other strategies that are existing or being developed within the Town, the following five objectives have been developed for the Draft SEP:

Objectives:

Air

To improve local, regional and global air quality by minimising the production of greenhouse gases and minimising wood heater smoke through increasing energy efficiency and finding alternatives to existing energy sources.

Water

To ensure effective and efficient management of the Town's water supplies and to protect and improve the quality of natural water resources.

Biodiversity

To re-establish, conserve and enhance biodiversity within the Town's boundaries.

Energy

To reduce the Town of Vincent's greenhouse gas emissions resulting from the use of fossil fuels.

Waste Management

To reduce the Town's use of resources and production of solid waste in partnership with business, residents and visitors.

The actions highlighted within the Draft SEP for each of these focus areas, represent a much wider range of actions and initiatives that will be more comprehensively detailed in the SEP Implementation Strategy. The SEP Implementation Strategy will provide a more specific outline of all the actions to be carried out by the Town over the next five year period, detailing such information as the expected time of completion, indicators that the action has been undertaken, and the relevant service sections within the Town that will be involved in executing the action/s involved.

It is anticipated that the preparation of the SEP Implementation Strategy will take approximately three months after the date of adoption of the Draft SEP. The preparation of the Strategy would be undertaken by the Working Group, of which work has already commenced.

CONSULTATION/ADVERTISING:

The Draft Sustainable Environment Plan 2006-2011 will be released for public consultation with the ratepayers for a period of six (6) weeks.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The SEP will be incorporated in the Town's Plan for the Future and referred to in the Town's Strategic Plan 2006-2011 (currently under consideration).

FINANCIAL/BUDGET IMPLICATIONS:

Funding will be determined in the Plan for the Future and subsequent Budgets for each of the respective service areas.

COMMENTS:

During the development of the Draft SEP 2006-2011, it was decided that the actions should clearly fall in line with the five Objectives and be reflected in the daily operations of the Town. It was also decided that to ensure the achievement of the actions outlined within the Draft SEP are undertaken, the preparation of an SEP Implementation Strategy should be made the priority action to occur following the adoption of the Draft SEP 2006-2011.

It is intended that the draft SEP 2006-2011 is to extend beyond what the Town is expected to do in environmental management in terms of minimum regulatory requirements. Furthermore, to ensure the Town's continued commitment to improved environmental management, the SEP will be reviewed nearing the end of the five year duration of this Draft SEP.

In releasing the Draft SEP 2006-2011 for public comment and circulation, it will not only serve to promote what the Town is doing in terms of environmental management, but will also encourage the wider community within the Town to become involved in environmental initiatives suggested within the Draft SEP.

In light of the above, it is recommended that Council adopts the Officer Recommendation.

Due to the lateness of the hour, this Item was not considered

10.4.6 Economic Development Strategy – Governance and Implementation Report - Appointment of Consultant – Terms of Reference

Ward:	Both Wards	Date:	16 August 2006
Precinct:	All Precincts	File Ref:	ADM0067
Attachments:	-		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the Terms of Reference relating to the Economic Development Strategy Governance and Implementation Report – Appointment of Consultant; and
- (ii) **AUTHORISES** the Chief Executive Officer to call quotations for a consultant to prepare an Economic Development Strategy Governance and Implementation Report.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with a project brief and terms of reference for the engagement of a consultant to prepare an Economic Development Strategy Governance and Implementation Report and authorise the Chief Executive Officer to call quotations.

BACKGROUND:

At the Ordinary Meeting of Council held on 27 June 2006, the Council considered a Notice of Motion and resolved as follows:

“That the Council;

- (i) **AUTHORISES** the Chief Executive Officer to prepare project brief and the terms of reference for Council’s approval for a consultant to be engaged to provide a further report on Part 4 - Governance of the Town’s 2005 Economic Development Strategy. The “Economic Development Strategy Governance and Implementation Report” terms of reference should consider;
 - (a) provision of further details of the definition, scope and role of the Town, business and stakeholders in the Place Management Process including examples of similar;
 - (b) how the proposed Place Management Committee would fit into the Town’s existing governance structure including defining its authority, accountabilities, responsibilities and resource requirements;

- (c) *identification and assessment of the alternative funding models available to fund the activities of the Place Management Committee;*
 - (d) *the accountabilities; responsibilities and resource requirements of the proposed Manager Place Activation and whether they be engaged as an internal or external agent to the Town's administration;*
 - (e) *an implementation plan for the Economic Development Strategy particularly the aspects of governance and administration; and*
 - (f) *development of an alternative simplified governance model as interim measure to implement the strategies identified in the Town's 2005 Economic Development Strategy;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY an amount of \$10,000 to be re-allocated from the 2006-2007 Budget Item "Mt Hawthorn Strategy" to the "Economic Development Strategy Governance and Implementation Report"; and*
- (iii) *REQUESTS the "Economic Development Strategy Governance and Implementation Report" project brief and terms of reference be prepared for Council's consideration no later than August 2006."*

DETAILS:

The Town's Officers are developing the project brief and terms of reference for the Economic Development Strategy Governance and Implementation Report. The draft brief and terms of reference will be finalised and presented to the Ordinary Meeting of Council by no later than 26 September 2006.

Project Scope and Terms of Reference

The preliminary draft scope and Terms of Reference of the project will be to:

1. Seek further details in regard to the definition, scope and role of the Town, business, residents and stakeholders in the Place Management Process, including investigating like sized Metropolitan Councils, both locally and nationally.
2. Determine how a proposed Place Management Committee would fit into the Town's existing governance structure.
3. Define the proposed Place Management Committee's authority, accountabilities and responsibilities in relation to the existing governance structure and make recommendations on the necessary resource requirements, including the appointment of a Manager Place Management and the Manager's key duties and responsibilities.
4. Recommend, through research and discussion with other local governments with Place Management Committees and employees already in place, whether the Place Management Committee and Manager Place Management be engaged as internal or external agents of the Town's administration.
5. Identify and assess alternative funding models available to finance the activities and functions of the Place Management Committee.

6. Develop an implementation plan for the Economic Development Strategy specifically in relation to the creation of the Place Management Committee and Manager Place Management, with particular focus on the aspect of governance and administration.
7. Develop an alternative simplified governance model as an interim measure to implement the strategies identified within the Town's 2005 – 2010 Economic Development Strategy.

Project Methodology

The preliminary draft methodology will involve the following tasks:

1. Interview other local government authorities and agencies, both locally and nationally that are already undertaking Place Management initiatives and reporting the findings back to the Council.
2. Conduct interviews with relevant stakeholders including representatives from Town's Precinct and Business groups, and other such groups deemed relevant, to ascertain what the expectations are of the Place Management Model.
3. Review current regional, State and Commonwealth Government policies and programs and evaluating the relevance to the Town of Vincent in relation to Place Management.
4. Review the Town of Vincent's Strategic Plan 2005-2011, Economic Development Strategy 2005 – 2010, internal policies and project documentation to ensure integration with the Place Management model proposed.
5. Develop a Place Management Model, demonstrating its relationship with the Town's existing governance structure.
6. Provide recommendations with respect to the following areas relating to the creation of a Place Management Committee and Manager Place Management:
 - The relationship of the Place Management Committee with the Town's existing governance structure;
 - The role and key duties and responsibilities of the Place Management Committee and the Manager Place Management; and
 - Identify the source of funding to implement the Place Management model proposed.
7. Present outcomes from the study undertaken to the Chief Executive Officer and the Executive Management Team, as required, with the provision of 15 bounded coloured copies, one (1) bound and one (1) unbounded laminated black and white copy of the final report on the outcomes of the research and recommendations, and an electronic copy in word format.

Project Timeframe

The preliminary report timeframe will be as follows:

	Item	Timeline
1	Advertise for Expression of Interest (EOI) and quotation	6 September 2006
2	EOI and quotations close	20 September 2006
3	Assessment of EOI and quotations	20 – 27 September 2006
4	Decision to appoint Consultant	26 September 2006
5	Initial briefing with Chief Executive Officer	2 October – 6 October 2006
6	Consultant to carry out Project and preparation of draft Outcomes Report	9 October - 3 November 2006
7	Consultant to submit Outcomes Report and electronic version to Chief Executive Officer	6 – 10 November 2006
8	Consultant to present findings of Outcomes Report to an Elected Members Forum on or before specified date.	21 November 2006
9	Report to an Ordinary Meeting of Council on or earlier than specified date	20 December 2006
10	Powerpoint presentation of Report to relevant Town's employees	8 – 12 January 2007

Quotation Evaluation

It is suggested that the following preliminary draft weighted criteria be used in selecting the appropriate Consultant to undertake the specified works:

	Criteria	%	Weighting
1.1	<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • The contract being offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "best value" for money • Application of a reasonable fee structure in proportion to the service provided 	40	40%

Criteria	%	Weighting
<p>1.2 Relevant experience, expertise and project team Demonstrate your:</p> <ul style="list-style-type: none"> • experience, expertise and project team • capacity to address the range of services required • role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • understanding of the required service associated with delivering the services to the Town 	20	20%
<p>1.3 History and Viability of Organisation</p> <ul style="list-style-type: none"> • Detail your history and viability • Include any comments received from referees • Demonstrate your capacity to deliver • Demonstrate your capacity and depth to effectively address the range of requirements of the Town 	20	20%
<p>1.4 Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this project to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA • Demonstrated experience in projects of a similar nature, particularly in WA 	20	20%
TOTAL	100	100%

Evaluation Panel

The Evaluation Panel will consist of Chief Executive Officer, Executive Manager Corporate Services, Executive Manager Technical Services and Executive Manager Environmental and Development Services.

CONSULTATION/ADVERTISING:

Not required at this stage.

LEGAL/POLICY:

Quotations will be called in accordance with the Town's Purchasing Policy.

STRATEGIC IMPLICATIONS:

The Town's Strategic Plan 2005-2010: Key Result Area 3 – Economic Development and Key Result Area 4 – Governance Management.

FINANCIAL/BUDGET IMPLICATIONS:

At the Ordinary Meeting of Council held on 27 June 2006, the Council considered a Notice of Motion and resolved as follows in relation to the budgeted amount for the proposed report:

“That the Council;

.....

(ii) APPROVES BY AN ABSOLUTE MAJORITY an amount of \$10,000 to be re-allocated from the 2006-2007 Budget Item “Mt Hawthorn Strategy” to the “Economic Development Strategy Governance and Implementation Report”;

and

.....”

COMMENTS:

It is recommended that the Council approve of the officer recommendation.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

At 10.22pm Moved Cr Farrell, Seconded Cr Ker

That the meeting proceed "behind closed doors" to consider the confidential report, in accordance with:

- *Section 5.23(d) of the Local Government Act 1995 – "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting".*

CARRIED (9-0)

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

14.1 CONFIDENTIAL REPORT - No. 6 (Lot 22) London Street, North Perth - Retention of Non-Conforming Use as Showroom/Open Air Display - State Administrative Tribunal - Review Matter No. DR 626 of 2005 - Hearing

Ward:	North	Date:	15 August 2006
Precinct:	North Perth, P8	File Ref:	PRO3010; 5.2005.3273.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 6 (Lot 22) London Street, North Perth - Retention of Non-Conforming Use as Showroom/Open Air Display - State Administrative Tribunal - Review Matter No. DR 626 of 2005 - Hearing;*
- (ii) *INVITES COUNCILLOR..... to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing"; and*
- (iii) *INVITES the residents who objected to the proposal to submit written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

The Presiding Member called for nominations in accordance with clause (iii) of the recommendation. Nil nominations were received at the meeting. The Presiding Member encouraged Councillors to nominate after the meeting to submit a written submission.

CARRIED (9-0)

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) ***RECEIVES*** the report relating to No. 6 (Lot 22) London Street, North Perth - Retention of Non-Conforming Use as Showroom/Open Air Display - State Administrative Tribunal - Review Matter No. DR 626 of 2005 - Hearing;
- (ii) ***NOTES*** that no ***COUNCILLOR*** nominations were received to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing"; and
- (iii) ***INVITES*** the residents who objected to the proposal to submit written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".

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

PURPOSE OF REPORT:

- To advise Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To consider an Elected Member (s) and a local member of the community to submit a written submission (witness statement) on behalf of the Council.

BACKGROUND:

- | | |
|-----------------|--|
| 17 October 2003 | Property transferred to current owner as stated on certificate of title for the subject property. |
| 23 August 2005 | Letter received from Midland Brick states that the company ceased staffing the above site in September 2000, with the signage and displays maintained after September 2000 to gain exposure and sales enquiries. From October 2000 to August 2003, the premises were leased to a "Nuts and Bolts" company. |
| 23 August 2005 | The Council at its Ordinary Meeting resolved to conditionally approve the demolition of existing showroom and outbuilding, but to refuse the proposed construction of three-storey mixed use development comprising eight (8) multiple dwellings, eating house, offices, shops and associated basement car parking proposed on the subject property. |
| 24 October 2005 | The Town served Written Directions (Notices) to both the owner and operator of the showroom/open air display business at the above site to immediately stop and not recommence the use of the site for the purpose of a showroom and open air display. |

- 8 September 2005
and 26 October 2005 The Town wrote to the owner of the subject site and owner's consultant requesting the submission of additional information and evidence to support the current use of the site as a showroom and open air display which is operating as a non-conforming use at the above site, including when the current use commenced operation on-site and copies of electricity invoices.
- 7 November 2005 The Town requested the owners and occupiers to submit a statutory declaration detailing all supporting information and documentation to substantiate that the non-conforming showroom/open air display area use on the property has not been discontinued for a period of six (6) consecutive months.
- 7 December 2005 Directions Hearing at the State Administrative Tribunal (SAT) as a result of the applicant (operator) of the business at the above site having lodged a review application (Ref: DR626 of 2005) with the SAT. As part of the SAT proceedings, the applicant has now lodged a new planning application with the Town for the continued use of the subject site as a non-conforming use and to allow further evidence to be submitted by the applicant.
- 14 February 2006 The Town received a planning application for 12 multiple dwellings on the above site, which is being held in abeyance at the request of the owner.
- 28 February 2006 The Council at its Ordinary Meeting resolved to refuse the application for retention of non-conforming use as showroom/open air display, at No.6 (Lot 22) London Street, North Perth.
- 8 March 2006 Further Direction Hearing at SAT.
- 28 March 2006 The Council at its Ordinary Meeting resolved that it does not support the spot rezoning of No. 6 (Lot 22) London Street, North Perth to accommodate the use of showroom and open air display area, and that the zoning of the subject site and the entire Town of Vincent will be considered as part of the current review of the Town's Town Planning Scheme No. 1.
- 22 June 2006 The Town has received preliminary legal advice that states that the non-conforming use has ceased and not allowed to further operate at the above site.
- 28 September 2006 Final Hearing to be held.

DETAILS:

The applicant seeks to re-instate the non-conforming use of showroom and open air display area at the above site.

Due to the tight timeframes involved with the review process and other conflicting work demands, Mr. Simon Bain (planning consultant) has been engaged to represent the Town in the above review process. The applicant has advised that they are likely to be represented by a solicitor. The review process is to be determined by way of a formal hearing.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal-Policy NO 4.1.23.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent), Mr. Simon Bain, based on \$1000 plus GST for the preparation of a witness statement and \$75 per hour plus GST for additional duties associated with the review matter.

COMMENTS:

On the above basis, the following is recommended:

- The Council receives the report.
- The Council nominates an Elected Member(s) to submit a Written Submission (witness statement) in the review process.
- The Council invites the residents who made objections to submit a Written Submission (witness statement) in the review process.

14.2 CONFIDENTIAL REPORT - No. 6 (Lot 5 D/P: 2447) St Albans Avenue, Highgate - Proposed Demolition of Existing Outbuilding and the Construction of Garage/Workshop Additions to Existing Single House

Ward:	South	Date:	15 August 2006
Precinct:	Hyde Park; P12	File Ref:	PRO3065; 5.2005.3338.1
Attachments:	-		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 222 of 2006, the proposed Demolition of Existing Outbuilding and Construction of Garage/Workshop Additions to Existing Single House, at No. 6 (Lot 5 D/P: 2447) St Albans Avenue, Highgate, and as shown on plans stamp-dated 10 August 2006, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the St Albans Avenue boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iii) *the proposed garage/workshop structure shall not be used for industrial, commercial or accommodation purposes, and is for the sole personal use of the inhabitants of the main dwelling only and notwithstanding the installation of the proposed water closet, basin and shower that no other sanitary installations are permitted without further planning approval.*

COUNCIL DECISION ITEM 14.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

LOST (4-5)

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

Reasons:

1. Development will set an undesirable precedent.
2. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.

At 10.25pm **Moved Cr Ker, Seconded Cr Torre**

That an open meeting be resumed.

CARRIED (9-0)

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

Landowner:	J Boyd & A Courtley
Applicant:	J Boyd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	632 square metres
Access to Right of Way	North side - 5 metres wide, unsealed, Town owned. East side - 5 metres wide, unsealed, Town owned.

BACKGROUND:

24 May 2005 The Council at its Ordinary Meeting deferred an application for proposed demolition of existing outbuilding and construction of a garage/workshop to existing single house at the subject property.

12 July 2005 The Council at its Ordinary Meeting resolved to refuse the application for proposed demolition of existing outbuilding and construction of a garage/workshop to existing single house at the subject property.

- 23 May 2006 The Council at its Ordinary Meeting constructively refused the application for proposed demolition of existing outbuilding and the construction of garage/workshop additions to existing single house at the subject property. The Council's reasons for refusal are as follows:
- "1. Development will set an undesirable precedent.
 2. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality."
- 5 July 2006 Application lodged with State Administrative Tribunal to review the Council's decision.
- 2 August 2006 Directions Hearing held at the State Administrative Tribunal (SAT).

DETAILS:

The applicant has submitted amended plans stamp-dated 10 August 2006 and a further submission following the State Administrative Tribunal Directions Hearing. The applicant's submission has addressed the Council's previous reasons for refusal.

The current proposal differs from the application refused by the Council at its Ordinary Meeting on 12 July 2005 as the current proposed garage/workshop is connected to the main dwelling by a covered walkway.

The Residential Design Codes (R Codes) define an outbuilding as *"an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling"*. In light of this, the current proposal is considered and has been assessed as an addition to existing single house and not as an outbuilding.

The main difference between the previously refused plans stamp-dated 14 December 2005 and the current plan is that the dormer windows on the south and north elevations are now to be fitted with obscure glass. The applicant seeks to obtain the Council's approval for the proposed demolition of existing outbuilding and construction of garage/workshop additions to existing single house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65	0.29	Noted.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> • Affected neighbour has stated no objection. 		Noted.
Objection (1)	<ul style="list-style-type: none"> • North setback should be setback 1.5 metres or compliant with building on boundary requirements of the R Codes. 		Not supported- as the setback is compliant with 3.3.1 A1(v) of the R Codes which states <i>"the stated setback distances may be reduced by half the width of an adjoining right of way, pedestrian accessway or battleaxe access leg, to a maximum reduction of 2 metres"</i> ; and is not considered to have an undue impact on affected neighbours.

	<ul style="list-style-type: none"> Concern the storage area will be used as habitable space and, therefore, has concerns regarding privacy. 	Not supported - as it is not considered to have an undue impact on affected neighbours, is addressed in the Officer Recommendation and dormer windows on the south and north elevations will have obscure glass.
	<ul style="list-style-type: none"> Concern development will set undesirable precedent. 	Not supported - as each development application is considered on its individual merits.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

The applicants have addressed the Council's previous concerns and reasons for refusal as follows:

Bulk and Scale

- The proposed new additions will replace an existing shed which has a wall height of approximately 2.5 metres, therefore, the proposed new garage/workshop is considered to have minimal additional impact on affected neighbours.
- The proposed additions comply with the height and setback requirements of the R Codes and is not considered to have an undue impact on the affected neighbours or surrounding amenity.
- The proposed additions have less bulk and scale than other residential and commercial development in the immediate vicinity. The residential development to the north east of the property (across the right of way) at No. 3 Chatsworth Road is approximately 7.6 metres in height.

Overlooking

- The dormer windows on the south and north elevations will be fitted with obscure glass so there will be no overlooking from the storage area of the proposed structure.
- Currently, the neighbours to the north-east (across the right-of-way) at No. 3 Chatsworth Road have a clear view into the applicant's back yard and the applicants have a clear view of the balcony/deck on the upper storey on the dwelling at No. 3 Chatsworth Road. The proposed additions will provide some privacy to both the subject property owners and the neighbours at No. 3 Chatsworth Road.

Potential Habitation of Proposed Addition

- It is not the applicant's intention to use the subject addition as habitable space. The addition will be used a garage, a hobby workshop to restore vintage cars and storage. This has been addressed in condition (iii) of the Officer Recommendation.
- The shower facility is mainly for the applicant's use during proposed future renovations to the main residence and to allow the applicants to 'clean up' after gardening or hobby activities involving the restoration of vintage cars prior to entering the main dwelling.

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

At 10.25pm **Moved Cr Ker, Seconded Cr Torre**

That an open meeting be resumed.

CARRIED (9-0)

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.25pm with the following persons present:

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

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 August 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006