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	(iv) WALGA Member – Municipal Waste Advisory Council (MWAC)	

13. URGENT BUSINESS 204

14. CLOSURE 204

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 February 2005, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.00pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Caroline Cohen	South Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)
Matt Zis	Journalist – Guardian Express (until 8.47pm)
Mark Fletcher	Journalist - Voice News (until 8.40pm)

Approximately 30 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Dudley Bastian of 3 Baker Avenue, Perth – Item 10.1.18 – Thanked Council for the correspondence and positive action to address problems at Birdwood Square so far. Stated that there have been quieter nights due to stronger Police controls. Requested Council consider some large temporary 'No Alcohol' signs. Stated that there is an urgent need for temporary toilets operating in the Park. Believes the existing large toilet block needs to be demolished and replaced with a smaller more efficient toilet(s) and not situated near the children's playground. Urged the banning of the Street Doctor.

2. Mr Stewart Johnson on behalf of Hawaiian Management Group, Suite 1/35 Guger Street, Claremont – Item 10.1.11 – Stated that there has been extensive consultation undertaken with the community, the Town and Mt Hawthorn Precinct Group. Provided an outline of the consultation undertaken. Sought support from Elected Members.

Cr Chester departed the Chamber at 6.05pm.

Cr Chester returned to the Chamber at 6.06pm.

3. Ms Susan Kramer-Pickford from Sinclair Knight Mertz of 260 Adelaide Terrace, East Perth (representing Hawaiian Management) – Item 10.1.11 – Stated the reasons for objecting to the removal of the exit from the lower deck on Fairfield Street as; it goes against the Transport Planning Principle of achieving good permeability, will unnecessarily increase traffic volumes in an already a highly trafficked area, will likely increase the traffic volumes on the one-way road and essentially more traffic will be put on to more of the road network. Believes there should be access and egress from the lower deck carpark to Fairfield Street.
4. Mr Alan Pallati from Bella Casa Builders of 92 Roberts Street, Como – Item 10.1.6 – Referred to clause (iii) of the recommendation. Stated that the property slopes down from the kerb to the rear laneway in excess of 1 metre and slopes north to south by 400-500 millimetres. Believes it is essential to build above the existing property to give architectural balance to the proposed improvement.
5. Ms Robyn Sosa of 18 Gardiner Street, East Perth – Item 10.1.17 – Strongly objects to clause (ii) of the recommendation. Believes the Town should reject both design options and refuse to support the EPRA Draft Masterplan until it determines, as its first priority, the function of the existing power station structures. Stated that the Town needs to send a clear message to EPRA that it has not addressed transit oriented design principles and believes the Draft Masterplan will exacerbate existing traffic problems for residents. Requested Council support the Banks Precinct Action Group's submission.
6. Mr Charlie Garreffa of 137 Joel Terrace, Mt Lawley – Item 10.1.17 – Supports the previous speaker. Stated that he is concerned with the traffic problems that the Masterplan will create. Requested that Council not approve any plans unless these problems are addressed.
7. Mr Ian McKinnon of 18 Gardiner Street, East Perth – Item 10.1.17 – Urged Council to reject the Masterplan. Believes that the plan 'mothballs' the Power Station. Stated that the traffic issues have not been addressed.
8. Ms Sandy Senburg from Addstyle Constructions of 1/23 Gibberd Road, Balcatta – Item 10.1.12 – Requested that the ceiling height remain at 2.7 metres as it is keeping with the existing residence. Believes that there is a precedence in the area for over height buildings.

9. Ms Anne Toppleberg of 19 Lanark Street, Coolbinia – Item 10.2.1 – Stated that she is not against the upgrading of William Street but strongly objects to only recognising one minute part of the history of the area. Believes that there is an enormous heritage in the area that should be recognised and celebrated. Referred to the Town’s Community Visioning 2024. Believes that commerce should dictate the requirements of an area.
10. Mr Darren Miller of 21A Galwey Street, Leederville – Item 10.1.11 – Referred to advertising requirements. Believes the Town has failed to comply with clause 37.1 of the Scheme. Referred to the report regarding entry and egress of Fairfield Street ensuring an equitable sharing of traffic. Questioned why fair traffic sharing is given consideration regardless of the hierarchy. Concerned that the Mt Hawthorn Precinct Group was given an opportunity to comment when affected residents had not.
11. Mr Matt Callahan of 52 Fairfield Street, Mt Hawthorn – Item 10.1.11 – Referred to his previous submissions objecting to the proposed entry and exit from the carpark. Also referred to the Town’s Parking and Access policy. Concerned that an alternative option that would be better for the developer and the local residents was not provided to the Councillors. Also concerned with the lack of advertising for this application. Requested that Council reject the proposed change of condition in favour of the developer adopting a sensible ramp location which solves many of the problems.
12. Ms Stacey-Jane Willis of 49 Bourke Street, Leederville – Item 10.1.13 – Stated that she is concerned with the proposed parapet wall on the northern boundary. Believes it will impact on her amenity as it will reduce air ventilation and there will be glare and heat from the wall. Stated that where the airconditioning unit will be situated is less than 4 metres from a bedroom window. Requested that the unit be moved to the rear of the property.
13. Mr Steven Ross of 140 Shakespeare Street, Mt Hawthorn – Item 10.1.6 – Stated that there are no existing full two storey buildings on this side of the street. Stated that the solar access to his property will be compromised and requested that this be taken into consideration. Concerned with the proposed metal deck roof and requested that it not be of zincalume. Advised that he had requested in writing on two occasions, a site visit from a planning officer and this has not happened. Requested an extension to the consultation period to enable him to come to an amicable solution with the applicant. Stated that another neighbour also has concerns with overshadowing and privacy.
14. Mr Ron Whitelaw of 33 Joel Terrace, Mt Lawley – Item 10.1.17 – Stated that he is concerned about whether any commercial end use will be found for the power station. Believes if the high rise development proceeds there could be pressure to demolish the power station.

15. Mr Garry Stilwell of 30 Joel Terrace, Mt Lawley – Item 10.1.17 – Concerned about the reporting officer’s recommendation supporting Option 2 of the Draft Masterplan. Believes this will create high density housing with all the associated potential problems such as traffic, congestion and lack of public schooling. The Council should pressure EPRA for a more low rise sympathetic development such as the Belvedere site in East Perth. Requested Council reject all of the options outright.
16. Mr Damian Lebeck of 57 Ruth Street, Northbridge – Item 10.1.13 – Believes that given the nature of the block it is difficult to build a house without compromising the Guidelines to some degree. Stated that he has worked closely with the Town’s Officers and Councillors to appease the concerns raised.
17. Ms Doreen Sonogo of 120 Joel Terrace, Mt Lawley – Item 10.1.17 – Believes that high rise developments would return East Perth to a slum due to insufficient parking, by not allowing sufficient open space or by believing that residents occupying the development only using public transport. Believes that such a development should not take place.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.44pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

The Chief Executive Officer advised that a petition had been received from Mr Stewart Johnson, Project Manager of Johnson Group WA with 62 signatories on behalf of the tenants of the Mt Hawthorn Shopping Centre and residents within the Town expressing their support for Hawaiian’s appeal to reinstate dual access off Fairfield Street. In their opinion the access only point is not in the best interest of the local community.

The Chief Executive Officer suggested that the petition be received and taken into consideration when debating the Item on tonight’s Agenda.

Moved Cr Ker, Seconded Cr Torre

That the petition be received.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 8 February 2005

Moved Cr Ker, Seconded Cr Cohen

That the Minutes of the Ordinary Meeting of Council held on 8 February 2005 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Cr Lake departed the Chamber at 6.45pm.

7.1 Department of Sport and Recreation (DSR) Office Building - Official Opening

I am pleased to advise that the Official Opening of the Department of Sport and Recreation Office Building will be held at 10am tomorrow.

As you are aware, this building has been under consideration since June 2001 when the Town's CEO and Executives prepared a Masterplan for Leederville and Perth Ovals.

This Masterplan included the creation of Leederville Oval into a "Football Centre of Excellence" at a cost of \$4.2million, with the relocation of EPFC from Perth Oval and co-location with SFC onto Leederville Oval-which was achieved in 2003, construction of a rectangular sports stadium (Stage 1) at a cost of \$11.3million on Perth Oval-which was achieved in 2004 and also an office building on Leederville Oval, to accommodate the DSR.

I am now pleased to say that the Town has delivered all of these major projects, and most importantly, on time and within budget of \$6.5 million.

This project has been mutually beneficial to the Town and State Government.

The benefits to the State Government and DSR include;

- A high quality office accommodation at a most affordable rent, at a prestigious location - a much improvement over their current accommodation in the Perry Lakes Stadium Grandstand.

The benefits to the Town include;

- A building which the Council will own in 20 years and after paying the loan will receive a substantial annual rental which can be used for the benefit of the Town's ratepayers; and
- An economic boost to the Town's Leederville businesses, with up to 100 employees who will patronise and enjoy the café's in Leederville.

I extend my appreciation to the Town Councillors for their support in this matter and the CEO John Giorgi and his Senior Executives for preparing and delivering this most successful project.

Cr Lake returned to the Chamber at 6.46pm.

7.2 Special Council Meeting

I have approved a Special Council Meeting to be held at 6pm on Wednesday 1 March 2004. The purpose of the meeting is to consider confidential reports relating to:

1. Leederville Business District - Investigation of Landholdings and Future Redevelopment Concept Plans; and
2. State Indoor Sports Centre - Loftus Centre, 99 Loftus Street, Leederville.

In accordance with the Town of Vincent Local Law Relating to Standing Orders, as the reports contain legal and financial details and commercial sensitive, the meeting will be closed to the public.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.2 – Investment Report as at 31 January 2005. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.2 Cr Ker declared a proximity interest in Item 10.1.15 – Amendment No 19 to Planning and Building Policies – Appendix No 14 – Design Guidelines for No 95 (Lot 75 and Pt Lt 76) Chelmsford Road, Mt Lawley. The nature of his interest being that he owns property and lives in close proximity.
- 8.4 Cr Chester declared a proximity interest in Item 10.1.15 – Amendment No 19 to Planning and Building Policies – Appendix No 14 – Design Guidelines for No 95 (Lot 75 and Pt Lt 76) Chelmsford Road, Mt Lawley. The nature of his interest being that he is a co-owner of property in close proximity.
- 8.4 Cr Farrell declared a proximity interest in Item 10.2.5 – Proposed Trial Modifications – Intersection of Matlock and Dover Streets, Mt Hawthorn. The nature of his interest being that he owns property in close proximity.
- 8.5 Cr Torre declared a proximity interest in Items 10.2.1 – Proposed Streetscape Upgrade – William Street, Brisbane Street to Newcastle Street, Perth and 10.2.2 – Further Report – Proposed Streetscape Upgrade in Brisbane Street between Williams and Beaufort Streets, Perth. The nature of her interest being that she lives in close proximity.

Cr Torre requested that Council permit her to remain in the chamber and allow her to speak, debate and vote on the items.
- 8.6 Cr Lake declared an interest affecting impartiality in Items 10.3.5 – Hyde Park Stage Upgrade – Progress Report and 10.4.4 – Adoption of Enforcement Policy. The nature of her interests being that her partner had made submissions on these items.
- 8.7 Cr Cohen declared an interest affecting impartiality in Item 10.1.17 – East Perth Redevelopment Authority: Draft Masterplan East Perth Power Station Precinct. The nature of her interest being that she lives in the Banks Precinct.

The Presiding Member advised that the Council would consider Cr Torre's request to remain in the Chamber and participate in the debate and voting on Items 10.2.1 and 10.2.2.

Cr Torre departed the Chamber at 6.50pm.

Moved Cr Ker, Seconded Cr Cohen

That Cr Torre be permitted to remain in the Chamber and participate in the debate and voting on Items 10.2.1 and 10.2.2.

Debate ensued.

The Presiding Member asked the Chief Executive Officer if he was aware how close Cr Torre lived to William Street.

The Chief Executive Officer had previously conferred with Cr Torre and was advised that she lived two blocks from William Street. The Chief Executive Officer advised that in accordance with the Local Government Act 1995, Cr Torre was not legally required to declare a proximity interest in these Items.

CARRIED (8-0)

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

Cr Torre returned to the Chamber at 6.55pm. The Presiding Member advised that the Council had agreed to her request to remain in the Chamber and participate in the debate and voting on Items 10.2.1 and 10.2.2.

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

Nil.

Cr Chester departed the Chamber at 6.55pm.

10. REPORTS

Cr Chester returned to the Chamber at 6.56pm.

The Agenda Items were categorised as follows:

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

Items 10.1.18, 10.1.11, 10.1.6, 10.1.17, 10.1.12, 10.2.1 and 10.1.13

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

Items 10.2.4, 10.3.4, 10.4.2 and 10.4.3

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

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

Cr Ker	Items 10.1.10, 10.1.14, 10.2.3, 10.4.8, 10.4.10 and 10.4.11
Cr Lake	Item 10.1.19
Cr Chester	Item 10.1.7, 10.1.9, 10.1.16, 10.2.4, 10.3.5, 10.4.3 and 10.4.12
Cr Farrell	Nil
Cr Cohen	Nil
Cr Franchina	Nil
Mayor Catania	Nil

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

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

Items 10.1.15, 10.3.2 and 10.2.5

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

Items 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.8, 10.2.6, 10.2.7, 10.2.8, 10.3.1, 10.3.3, 10.3.6, 10.4.1, 10.4.4, 10.4.5, 10.4.6, 10.4.7 and 10.4.9

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

Nil.

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

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

Items 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.8, 10.2.6, 10.2.7, 10.2.8, 10.3.1, 10.3.3, 10.3.6, 10.4.1, 10.4.4, 10.4.5, 10.4.6, 10.4.7 and 10.4.9

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

Items 10.1.18, 10.1.11, 10.1.6, 10.1.17, 10.1.12, 10.2.1 and 10.1.13

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

Moved Cr Torre, Seconded Cr Ker

That the following unopposed items be moved en bloc;

Items 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.8, 10.2.6, 10.2.7, 10.2.8, 10.3.1, 10.3.3, 10.3.6, 10.4.1, 10.4.4, 10.4.5, 10.4.6, 10.4.7 and 10.4.9

CARRIED (9-0)

10.1.1 No. 582 (Lots 123 and 47) Beaufort Street, Highgate - Proposed Signage to Proposed Shop and Hairdressing Salon

Ward:	South	Date:	14 February 2005
Precinct:	Mt Lawley Centre; P11	File Ref:	PRO3022; 00/33/2642
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by GL Jaeger & JD Greatbatch on behalf of the owner VL Kha for proposed Signage to Proposed Shop and Hairdressing Salon, at No. 582 (Lots 123 and 47) Beaufort Street, Highgate, and as shown on plans stamp-dated 20 December 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) 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; and*
- (v) the proposed projecting sign attached to the fascia of the awning at No. 582 Beaufort Street, Mount Lawley, having a minimum clearance of 2.7 metres from finished ground level;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.1

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	VL Kha
Applicant:	GL Jaeger & JD Greatbatch
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop on part ground floor and upper floor (vacant)
Use Class:	Shop
Use Classification:	"P"
Lot Area:	708 square metres
Access to Right of Way	East side, 3 metres wide, sealed, Crown owned

BACKGROUND:

8 February 2005 Council at its Ordinary Meeting, resolved to conditionally approve the application for the change of use to shop and hairdressing salon and associated alterations at No. 582 Beaufort Street, Mount Lawley.

DETAILS:

The proposal involves signage to proposed shop and hairdressing salon at No. 582 Beaufort Street, Mount Lawley. The proposed signage consists of a projecting sign attached to the fascia of an awning and two wall signs.

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
Proposed wall sign 2 & 3	The total signage area is not to exceed 10 per cent of the total area of the building wall in which that signage is located.	Proposed wall sign covers 100 per cent of the area of nib wall.	Supported - as the proposed wall sign is on the inside of a nib wall. The proposed signage is not considered to unduly impact the streetscape and amenity.
Consultation Submissions			
No consultation was undertaken for this application as the proposed variation was within acceptable limits and being determined by Council.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposed projecting sign (number 1) attached to the fascia of an awning is compliant with the Town's policy relating to Signs and Advertising. The proposed wall signs (number 2 and 3) cover 100 per cent of the area of the nib walls, and variation is considered acceptable as the proposed signs are inside the nib walls and are not considered to unduly impact the streetscape and amenity of the area.

10.1.2 Nos. 709-711 (Lot 2) Newcastle Street, Leederville - Proposed Alterations and Additions to Signage to Existing Eating House

Ward:	South	Date:	14 February 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO0640; 00/33/2672
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by New Edison Sign Company on behalf of the owners Ross John McCallum, Normay & Co Pty Ltd, Tegra Pty Ltd and Bantoy Pty Ltd for proposed Alterations and Additions to Signage to Existing Eating House, at Nos. 709-711 (Lot 2) Newcastle Street, Leederville, and as shown on plans stamp-dated 13 January 2005, subject to:

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	Ross John McCallum, Normay & Co Pty Ltd, Tegra Pty Ltd and Bantoy Pty Ltd.
Applicant:	New Edison Sign Company
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Eating House
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	354 square metres
Access to Right of Way	South side, 3.3 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to signage to an existing eating house. The proposal involves the replacement of an illuminated projecting sign attached to the underside of an awning at Nos. 709-711 (Lot 2) Newcastle Street, Leederville.

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
Proposed illuminated projecting sign attached to the underside of an awning	Have a minimum clearance of 2.7 metres from the finished ground level.	2.4 metres from the finished ground level.	Supported - the proposed signage is 2.4 metres above the finished ground level as per the existing projecting sign attached to the underside of the awning. The proposed signage will have a similar clearance from finished ground level as surrounding projecting signs attached to the underside of the awning and is not considered to unduly impact the streetscape or amenity.
Consultation Submissions			
No consultation was undertaken for this application as the matter is being referred to 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:

The proposed signage is considered acceptable in the context of the existing and surrounding projecting signs attached to the underside of the awning and is not considered to have an undue impact on the streetscape and amenity.

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

10.1.3 No. 291 (Lot 9) Fitzgerald Street, Perth - Proposed Signage Additions to Existing Shop

Ward:	South	Date:	15 February 2005
Precinct:	Hyde Park; P12	File Ref:	PRO0454; 00/33/2480
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by New Edison Light Company on behalf of the owner G Messina for proposed Signage Additions to Existing Shop, at No. 291 (Lot 9) Fitzgerald Street, Perth, and as shown on plans stamp-dated 16 September 2004 (Position Plan), 2 November (Signage Position 3) and 25 January 2005 (Signage Positions 1 and 2), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) prior to the issue of a Sign Licence, revised plans shall be submitted to and approved by the Town, demonstrating Signage Position 1 (proposed wall sign) being reduced to not exceed ten per cent of the wall (including existing signage),*
- (iv) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (v) 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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	G Messina
Applicant:	New Edison Light Company
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	354 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves signage additions to existing shop. The proposed signage consists of five wall signs.

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
Signage Position 1 (proposed wall sign)	Total signage area is not to exceed 10 per cent of the total area of the building wall in which that signage is located.	Signage covers 20% of wall.	Not supported - a condition is recommended that the proposed wall sign be reduced to not exceed 10 per cent of the building wall (including the existing signage).
Signage Position 2 (proposed 3 wall signs)	Be limited to a maximum number of two such signs on any one wall for each tenancy within a building other than a building within a residential zone.	Three new and one existing wall signs.	Supported - the signage is not considered to have an undue impact on the streetscape and amenity.
Consultation Submissions			
No consultation was required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposed signage consists of a total of 7 wall signs, two of which are existing. Signage position 3 (proposed wall sign) is compliant with the Town's Policy relating to Signs and Advertising. Signage position 2 consisting of 3 new proposed wall signs and one existing wall sign are considered acceptable as they do not unduly impact the streetscape and amenity. Signage Position 1 consists of two wall signs, one of which is existing. It is recommended that signage in position 1 is reduced to comply with the Town's Policy relating to Signs and Advertising and is therefore considered acceptable. The figure painted onto the same wall as signage position 3 is not considered to be a sign and will not unduly impact the streetscape or amenity.

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

10.1.4 No. 50 (Lot 160) Sasse Avenue Corner Ambleside Avenue, Mount Hawthorn – Patio and Gazebo Additions to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	16 February 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3083; 00/33/2690
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner F & J Drabble for Patio and Gazebo Additions to Existing Single House (Application for Retrospective Approval), at No. 50 (Lot 160) Sasse Avenue Corner Ambleside Avenue, Mount Hawthorn, and as shown on plans stamp-dated 1 February 2005, subject to:

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	F & J Drabble
Applicant:	F & J Drabble
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	377 square metres
Access to Right of Way	N/A

BACKGROUND:

11 September 2001 Building Licence issued for the existing carport, which was an addition to the existing single house.

DETAILS:

The application is for retrospective approval for a patio and a gazebo that were constructed on-site at the same time that a carport was constructed. The owners were apparently under the impression, from the Builder, that approval had been obtained for the above structures, as they were told a Building Licence had been issued. The Builder of the carport and patios apparently lead the owners to believe that the Building Licence issued by the Town included the patios.

A copy of the photographs showing the patio, gazebo and streetscape are “Laid on the Table”.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks			
East	1.0 metre	450mm to posts 200mm to roof/gutter	Support (in accordance with Clause 3.3.2 of the Residential Design Codes)
South	1.0 metre	450mm to posts 200mm to roof/gutter	Support (in accordance with Clause 3.3.2 of the Residential Design Codes)
North	1.5 metres	0.5 metre	Support (in accordance with Clause 3.2.1 of the Residential Design Codes)
Consultation Submissions			
The changes to the dwelling were not advertised as the neighbouring property owners submitted written consent to the proposal.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

To rectify this oversight and on advice from the Town’s Staff, the owners have submitted an application for retrospective Planning Approval for the subject works.

It is noted that the proposal did not require formal advertising, as the adjoining property owners have provided their written consent to both structures on one of the plans submitted as part of the application.

The Town's Building Services advise that the side setbacks for the smaller patio comply with the Building Codes of Australia requirements, as stormwater is contained on-site and it also complies with fire rating requirements.

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

10.1.5 No. 61 (Lot 289) Hobart Street, Mount Hawthorn - Proposed Alterations and Loft Additions to Existing Single House (Part Retrospective)

Ward:	North	Date:	14 February 2005
Precinct:	Mt Hawthorn; P1	File Ref:	PRO2668; 00/33/2490
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Frasers The Project Managers on behalf of the owner CCA Jones for proposed Alterations and Loft Additions to Existing Single House (Part Retrospective), at No. 61 (Lot 289) Hobart Street, Mount Hawthorn, and as shown on plans stamp-dated 22 September 2004 (floor plan and elevations) and amended plans stamp dated 24 January 2005 (existing site plan and proposed site plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) 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 Hobart Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	CCA Jones
Applicant:	Frasers The Project Managers
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	488 square metres
Access to Right of Way	N/A

BACKGROUND:

8 June 2004

The Town, under delegated authority, approved partial demolition of and alterations and additions to existing single house.

DETAILS:

The proposal involves proposed alterations and loft additions to existing single house (retrospective). The modification from the previously approved plans include the addition of a loft in the roof space, which has not increased the overall roof height from the previously approved plans, a new internal layout and the addition of a wall along the eastern side of the verandah.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
Eastern (Bathroom, Laundry and Verandah)	1.5 metres	1 metre	Supported - following the existing side setback alignment
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> • Privacy • Additions imposing 		<p>Not supported - as there is no privacy encroachment</p> <p>Not supported - as it is considered not to have undue negative impact on the amenity of the area and the adjoining lot</p>
Other Implications			
Legal/Policy	TPS 1, 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:

Part Retrospective

It is noted that the subject application is now considered a part retrospective approval due to the completion of the loft works.

The works on the subject property were initiated as part of Building Licence issued 18 August 2004. Subsequent to this, the works were recently completed and the wall extension to the verandah and loft addition being completed.

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 No. 68 (Lot 301) Carr Street, West Perth - Proposed Additional Three (3) Two-Storey Grouped Dwellings to Existing Single House and Demolition of Existing Outbuildings

Ward:	South	Date:	15 February 2005
Precinct:	Cleaver; P5	File Ref:	PRO2896; 00/33/2386
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by JWH Group Pty Ltd on behalf of the owner M & I Paolini & Stocca for proposed Additional Three (3) Two-Storey Grouped Dwellings to Existing Single House and Demolition of Existing Outbuildings, at No. 68 (Lot 301) Carr Street, West Perth, and as shown on plans stamp dated 26 November 2004 (floor plans and elevations) and amended plans (existing site plan, proposed site plan and lot configuration) stamp-dated 4 February 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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 Carr Street and Ivy Street, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the south side of the balcony on the upper floor of Unit 1 shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) the portion of the right of way adjacent to Ivy Street being dedicated as a public road prior to issue of a Building Licence; and*
- (v) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Carr Street and Ivy 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);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	M Paolini & I Stocca
Applicant:	JWH Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	981 square metres
Access to Right of Way	N/A

BACKGROUND:

26 October 2004 Council, at its Ordinary Meeting, resolved to approve the dedication of the right of way adjacent to Ivy Street, West Perth as a public road.

DETAILS:

The proposal involves an additional three (3) two-storey grouped dwellings to an existing single house and demolition of existing outbuildings. The existing dwelling has frontage to Carr Street with vehicle access to a single garage and open car bay from Ivy Street.

The proposed three grouped dwellings have frontage to the right of way (ROW) (yet to be officially dedicated), being the extension of Ivy Street. Carparking to the proposed three (3) grouped dwellings is contained on-site and is in the form of open carbays and landscaping with access from the ROW.

The proposal is for grouped dwellings, however due to the eventual dedication of the right of way as a dedicated road would result in the dwellings being single houses under which the current assessment has been undertaken.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	Grouped dwellings and single houses as per R60: 5.90 grouped dwellings or 5.45 single houses.	4 dwellings R 41	Support - compliant with R Codes

Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio			
Unit 1	0.65	0.644 - 119 square metres	Support - compliant with R Codes
Unit 2	0.65	0.627 - 119 square metres	Support - compliant with R Codes
Unit 3	0.65	0.638 - 126 square metres	Support - compliant with R Codes
Non-Compliant Requirements			
Setbacks:			
Unit 1 Ground Floor North - (Bed 1, Bath, Living, Kitchen)	1.5 metres	0 metre (internal boundary)	Supported - internal boundary
Unit 2 North Ground Floor (Bed 1, Entry, Living, Kitchen, Store)	1.5 metres	0 metre (internal boundary)	Supported - internal boundary
South Ground Floor (Bed 1, Bath, Living, Kitchen)	1.5 metres	0 metre (internal boundary)	Supported - internal boundary
North First Floor (Bed 3, Activity, Ensuite, Balcony)	3 metres	0 metre (internal boundary)	Supported - internal boundary
South First Floor (Balcony, Activity, Bed 2)	1.5 metres	0 metre (internal boundary)	Supported - internal boundary
Unit 3 North Ground Floor (Bed 1, Bath, Living, Kitchen)	1.5 metres	0 metre (internal boundary)	Supported - internal boundary
South Ground Floor (Store, Kitchen, Stairs, Entry)	1.5 metres	0 metre (internal boundary)	Supported - internal boundary

Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
South First Floor (Ensuite, Bed 2, Stairs, Activity)	1.6 metres	0 metre (internal boundary)	Supported - internal boundary
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Privacy Setbacks:			
Unit 2 Balcony North Facing	7.5 metres to south boundary or privacy screening to R Codes requirement	2 metres to north boundary (Internal Boundary)	Supported - internal boundary
Unit 1 Balcony South Facing	7.5 metres to south boundary or privacy screening to R Codes requirement	3.6 metres to south boundary	Not Supported - as conditioned to comply with R Codes privacy requirement.
Vehicle Access:	Front setback areas are to be landscaped and devoid of car parking spaces	Car parking spaces located in front setback	Supported - provision required only on completion of dedication of right of way, as per condition of approval. The development includes landscaping in front setback area and will add to amenity of Ivy Street.
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> In favour of development 		Noted
Objection (3)	<ul style="list-style-type: none"> Variations not acceptable Paved parking area should be included in plot ratio calculation No mention of landscaping 		<p>Not-Supported - as variations are to internal boundaries or minor variations which have no undue negative impact</p> <p>Not-Supported - as not in accordance with plot ratio definition in the R Codes</p> <p>Noted - as applicant has provided landscaping in amended plans</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:

It is noted that the applicant has undertaken extensive negotiations with the Town and all setback and privacy variations are to internal boundaries. The dedication of the right of way is yet to be completed, but has been approved by the Town and is currently being progressed with the relevant State Government agencies.

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

10.2.6 Discussion Paper on Extended Producer Responsibility

Ward:	Both	Date:	16 February 2005
Precinct:	All	File Ref:	ENS0083
Attachments:	-		
Reporting Officer(s):	R Morphett		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Department of Environment's Extended Producer Responsibility discussion paper (as laid on the Table); and*
- (ii) *ADVISES the Department of Environment that it strongly supports the principle of Extended Producer Responsibility and endorses the WA Local Government Association's draft submission (as laid on the Table).*

COUNCIL DECISION ITEM 10.2.6

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

A discussion paper on Extended Producer Responsibility (EPR) (as laid on the Table) was released for comment in December 2004, by the Hon Dr Judy Edwards MLA, Minister for the Environment. Feedback from this discussion paper will help determine a final policy position on EPR. In particular, it will help in developing the proposed waste legislation and specifically the mechanisms and instruments required to support voluntary or compulsory EPR schemes.

Development of the *Statement of Strategic Direction for Waste Management in Western Australia: Vision and Priorities* has highlighted that a partnership of Government, industry and the community is needed to:

- find solutions to what are complex problems associated with waste generation and management, rather than to simply focus on reduction of waste to landfill or recycling;
- see a continuous decline in waste generation from all sources;
- see, where possible, better integrated systems so that the recovery of resources from waste is optimised; and
- manage, in the most environmentally responsible manner, the waste left after recovering those resources.

EPR schemes are one of the key tools the State proposes to use to meet these challenges. EPR emphasises that producers should be physically or financially responsible for the environmental impacts of their products throughout their life cycle.

The State Government has no formal policy on EPR as a policy approach to managing waste and resource consumption issues. It has been proposed to include legislative head powers for EPR schemes in the long awaited Resource Recovery and Waste Avoidance Bill. Before the State Government approves these head powers, it has decided to seek comment from local government, industry and the community about the EPR approach.

DETAILS:

What is Extended Producer Responsibility?

EPR is a relatively new tool designed to reduce the amount of waste from consumer goods and its impact on the environment. It involves producers taking more responsibility for managing the environmental impact of their products throughout their life.

The Organisation for Economic Co-operation and Development defines EPR as:
"an environmental policy approach in which a producer's responsibility for a product is extended to the post consumer stage of a product's life cycle."

EPR is a means to assist in delivering the objectives of waste prevention. It encourages producers to examine the lifecycle of their products and to identify initiatives that will reduce resource use, reduce environmental impacts, and enhance post-consumer recovery.

It is important to note that EPR schemes are most effective for products where there is a clearly identifiable producer with a reasonable capacity to take action, or through a well-organised industry sector with a capacity to influence the whole supply chain.

Do we need EPR?

Given the ever increasing generation of products and their associated wastes, there is clearly a need to use resources more efficiently and to reduce the generation of waste. One of the broad approaches to achieving those objectives is through consideration of the life cycle impacts of products, especially by those companies which manufacture the products.

EPR schemes are a driving force for:

- reduced pollution throughout many sectors of the economy;
- reduced disposal to landfills and waste treatment, and their accompanying environmental impacts;
- reduced use of hazardous materials in products;
- increase in the recycled content of consumer products and more efficient use of natural resources; and,
- more integrated environmental management by promoting consideration of a product's life cycle.

The Government sees it as no longer appropriate that the responsibility for post-consumer wastes is largely left to local and regional government councils to manage. The current approach:

- distorts the true costs to consumers and society associated with the sale of each product; and
- presents an unfunded liability for ongoing management of the waste at the end of a product's useful life.

While manufacturers have the significant challenge of balancing environmental considerations with improving profitability and shareholder value, the Government recognises the important role manufacturers can have in taking on the responsibility for post-consumer wastes, for example, through:

- producing more cleanly;
- reducing packaging;
- improving information to customers, such as on minimising environmental impacts and on end-of-life disposal of their products and the packaging; and
- implementing extended producer responsibility, including product stewardship.

It is important to recognise that EPR is but one of a suite of tools that Government can apply to reduce the overall amount of waste generated, and improve resource efficiency and recovery in manufacturing.

Are there any existing EPR initiatives in Australia?

Several initiatives which incorporate aspects of EPR are already being progressed at a national level, mostly through the voluntary support of industry sectors.

Some of these initiatives include:

- *agricultural and veterinary chemicals* – the chemical supply industry is operating the ChemClear program to collect and safely dispose of unwanted chemicals.
- *electronic goods* – Consumer Electronic Suppliers Association (CESA), Australian Electrical & Electronic Manufacturers Association (AEEMA), and Australian Information Industry Association (AIIA).
- *lubricating oils* – regulated through the Product Stewardship (Oil) Act 2000, which allows for oil producers and supporters to pay a levy on lubricants to support environmentally sustainable management and refining of the waste (used) oil.
- *medicines* – through the Return Unwanted Medicines Program established in 1998.
- *mobile phones and their batteries* – Australian Mobile Telecommunications Association Scheme.
- *plastic bags* – Australian Retail Association.

Why have a policy on EPR for Western Australia?

EPR policy seeks to encourage manufacturers and importers of products to consider end of life impacts and develop programs to change their products to:

- avoid generation of wastes through the design process and during manufacture;
- increase the use of recycled content and recovered materials in product design;
- reduce the toxicity of materials used in production;
- develop mechanisms to maximise recovery and re-use of materials at the end of a product's life.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2005-2010 – 1.1 Protect and enhance environmental sustainability and biodiversity. “(e) Prepare a Waste Management Strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives.”

FINANCIAL/BUDGET IMPLICATIONS:

Any reduced waste generated by the Town's residents as a result of the implementation of the EPR schemes will result in positive cost implications for the Town.

COMMENTS:

The WA Local Government Association (WALGA) has prepared a draft submission on the Department of Environment's (DoE) EPR Discussion Paper. The Association supports the incorporation of the EPR and associated framework into the Waste Avoidance and Resource Recovery Act for developing and implementing EPR schemes.

It is recommended that the Council advises the DoE that it strongly supports the principle of EPR and endorses the WALGA draft submission (as laid on the Table).

10.2.7 GraffitiGone Website

Ward:	Both	Date:	11 February 2005
Precinct:	All	File Ref:	ENS0007
Attachments:	001:		
Reporting Officer(s):	N Wilton; J van den Bok		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the GraffitiGone website;*
- (ii) *ENDORSES the involvement of the Town of Vincent in the trial of the GraffitiGone website, for a period of three (3) months; and*
- (iii) *RECEIVES a further report at the conclusion of the three (3) month trial period.*

COUNCIL DECISION ITEM 10.2.7

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

On the 28 October 2004 the Town received a letter from the Office of Crime Prevention regarding the introduction of a range of initiatives for preventing graffiti and facilitating its speedy removal. Some of these initiatives include a Graffiti Fund, Repay WA, change to legislation and the development of a new Graffiti Website, called GraffitiGone.

Initially the involvement from the Town was to be limited to the receipt (and then removal of graffiti) of any reports lodged via the website. However, a subsequent letter was received from the Officer of Crime Prevention requesting that the Town of Vincent act as a trial site for the GraffitiGone website for a period of three (3) months.

The Town was selected for the trial due to the efficient and effective graffiti removal service it has provided. The trial will allow the identification of any technical issues that may arise with the introduction of the website and these can then be rectified prior to the official launch by the Minister.

DETAILS:

The GraffitiGone website will provide a single point where the community can report graffiti vandalism occurring to State and Local Government assets for the purpose of cleanup. The website uses a simple online form to send an email to the relevant State Government agency or Local Government so that cleanup of their property can commence.

State Government Agencies are responsible for the removal of graffiti from their own assets, and any reports lodged for State Government Agencies will be directed straight to them.

Currently the State Agencies participating in the GraffitiGone project include Main Roads, Water Corporation, Western Power and the Department of Housing and Works.

Whilst the trial website would be available to anyone to lodge a graffiti report, it is anticipated that the majority of reports would come from residents, businesses and people that frequent the Town.

The Town's involvement in the trial would include the following:

- Dissemination of promotional material (provided by the Office of Crime Prevention) about GraffitiGone to households within the Town of Vincent;
- Possible assistance in disseminating a questionnaire which will be used to get community feedback about the GraffitiGone website; and
- Provide feedback, in conjunction with State Government agencies, about the GraffitiGone website (or removal process) prior to the formal launch.

CONSULTATION/ADVERTISING:

Residents and businesses within the Town will be notified by a joint letter from the Town and the Office of Crime Prevention. This may be in the form of a letter drop or included with the March 2005 edition of the Town's newsletter.

LEGAL/POLICY

Nil

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Any costs associated with the three (3) month trial, including material costs and distribution costs, will be borne by the Office of Crime Prevention.

COMMENTS:

One of the most significant advantages for Local Governments from the launch of this program will be that State Government agencies will be directly notified and forced to take more "ownership" of their respective infrastructure and remove graffiti within 48 hours.

Currently, most Local Government Authorities are removing graffiti located on power poles, road signs, etc. as the agencies involved do not have a program in place or the graffiti remains for an extended period, therefore encouraging further tagging.

The Office of Crime Prevention has met with State Government agencies to ensure that graffiti removal programs are in place and response times are improved.

10.2.8 Tender No. 312/05 - Supply and Installation of Rubberised Playground Safety Surfaces

Ward:	Both	Date:	11 February 2005
Precinct:	All	File Ref:	TEN0323
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Reclaim Industries Limited for the Supply and Installation of Rubberised Playground Safety Surfaces in accordance with the specifications as detailed in Tender No. 312/05.

COUNCIL DECISION ITEM 10.2.8

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The Town recently called tenders for the supply and installation of rubberised playground safety surfaces.

Tenders closed at 2.00pm on Wednesday 2 February 2005, for the supply and installation of rubberised playground safety surfaces for a three (3) year period and only one (1) tender was received.

DETAILS:

Tender Submission

Details of the submission received from Reclaim Industries Limited for Tender No. 312/05 is as follows: -

Supply and Installation of Compacted Base Surface Layer

Type of Material: 2mm graded crushed blue metal supply, scallop, compact installation.

- \$ 14.00/m2 + GST on cleared ground
- \$ 17.00/m2 + GST on uncleared ground

Supply and Installation of Rubberised Playground Safety Surface

Site Coloured Fibre (STD)

Type /Name of Material: "Reflex" recycled safety surfacing

- 15mm-\$52.00/m2, 40mm-\$80.00 / m2, 50mm-\$86.00 / m2, 75mm-\$105.00/m2
- 90mm-\$115.00/m2 (all pricing exclusive GST)

Pre Coloured UV Resistant Rubber Fibre

Type/Name of Material: "Vibraflex" pre-coloured safety surfacing

- 15mm-\$70.00/m2, 40mm-\$94.00/m2, 50mm-\$100.00/m2, 75mm-\$125.00/m2
- 90mm-\$135.00/m2 (all pricing exclusive GST)

Officers' Comments:

Reclaim Industries have held this contract with the Town of Vincent for the past Three (3) years and the costs submitted for each of the above rates have only marginally increased since 2001 when they were first engaged to undertake the above works.

Reclaim Industries Ltd is based in Western Australia with a national network of branches and is solely committed to the recycling of whole tyres and tyre buffings and the products derived from these endeavours. In 2001 they won the state recycling award.

The products supplied by Reclaim Industries Ltd are regularly tested to meet the parameters of AS/NZS 4422:1996 Playground Surfacing- Specifications, requirements and test methods.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Tender No. 312/05 was advertised for a minimum fourteen (14) days in accordance with the Local Government Act Regulations.

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. *"e) Ensure all Council services, playgrounds and facilities are universally accessible."*

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the installation of rubberised playground safety surfacing are sourced from the parks playground upgrade budget as approved by the Council. The Playground Upgrade Program is currently in year 4 of a 10 year program.

COMMENTS:

It is therefore recommended that the Council accepts the tender submitted by Reclaim Industries Limited for the supply and installation of rubberised playground safety surfaces for a three (3) year period in accordance with the specifications as detailed in Tender Number 312/05.

10.3.1 Financial Statements as at 31 January 2005

Ward:	Both	Date:	15 February 2005
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the year ended 31 January 2005 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 January 2005.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial position and Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Mid year variance comments 31/12/04

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 85 % of the annual Budget estimate

General Purpose Funding (Page 1)

General Purpose Funding is showing 95 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 98 % of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 176 % of the budget received to date; this is due to advertising rebates, vehicle contributions received and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a favourable variance of 130 % due to recoup in advance of employee cost that is on secondment and grants received.

Health (Page 4)

Health is showing 96 %, this is due to 271 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Community Amenities (Page 6)

Community Amenities is 82 % of the budget, this is as a result of 387 planning applications have been processed year to date.

Recreation & Culture (Page 9)

Recreation and Culture is 56 % of the total budget. Beatty Park revenue is 44 % of the total Recreation and Culture budget but tracking along with the year to date budget.

Economic Services (Page 12)

Economic Services is 69 % of budget which is the 281 building licences issued to the month of January.

Operating Expenditure

Operating expenditure for the month of January is under budget at 56%

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2004/05 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for January an amount of \$5,446,888 which is 46% of the budget.

	Budget	Actual to Date	%
Furniture & Equipment	131,310	43,106	33%
Plant & Equipment	1,249,972	409,753	33%
Land & Building	3,555,393	3,360,120	95%
Infrastructure	6,997,900	1,633,909	23%
Total	11,934,575	5,446,888	46%

Statement of Financial Position and Changes in Equity (Pages 26 & 27)

The statement shows the current assets of \$17,526,024 less current liabilities of \$3,103,750 for a current position of \$14,422,275. The total non current assets amount to \$115,831,861 less non current liabilities of \$10,960,172 for the total net assets of \$119,293,964.

Restricted Cash Reserves (Page 28)

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

Debtors and Rates Financial Summary

General Debtors (Page 29)

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

Sundry Debtors of \$1,039,397 are outstanding at the end of January. Of the total debt \$612,130 (59%) relates to debts outstanding for over 60 days. The majority of the debt is an amount owing by the Department of Sport & Recreation of \$475,661. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 30)

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

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

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

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

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

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

Rates outstanding are \$1,845,278 which represents 13 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 31 January 2005 the operating deficit for the Centre was \$281,102 in comparison to the budgeted annual deficit of \$612,852.

The cash position showed a current cash deficit of \$50,341 in comparison to the annual budget estimate of a cash deficit of \$157,887. The cash position is calculated by adding back depreciation to the operating position.

10.3.3 Authorisation of Expenditure for the Period 01 January - 31 January 2005

Ward:	Both	Date:	04 February 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Gee Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 January – 31 January 2005 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 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Torre, 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.

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	\$2,460,310.65
Total Municipal Account		\$2,460,310.65
Advance Account		
Automatic Cheques	50318-50445, 50447-50554, 50556-50585, 50587-50604	\$504,353.86
Manual Cheques		
Transfer of Creditors by EFT Batch 337-345, 347-348		\$1,222,299.19
Transfer of PAYG Tax by EFT	January 2005	\$151,642.27
Transfer of GST by EFT	January 2005	\$0.00
Transfer of Child Support by EFT	January 2005	\$518.85
Transfer of Superannuation by EFT City of Perth	January 2005	\$26,382.49
Local Government	January 2005	\$74,003.64
Total Advance Account		\$1,979,200.30
Transfer of Payroll by EFT	January 2005	\$487,423.17
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$3,658.58
Lease Fees		\$1,179.91
Corporate Master Cards		\$3,402.21
Australia Post Lease Equipment		\$86.61
2 Way Rental		\$423.25
Loan Repayment		-
B/Park ATM Cash Agreement		\$165.00
Reject Fees		\$2.50
Total Bank Charges & Other Direct Debits		\$8,918.06
Less GST effect on Advance Account		-
Total Payments		\$4,935,852.18

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.

10.3.6 Multicultural Bus Shelter Mural Project

Ward:	Both	Date:	16 February 2005
Precinct:	All	File Ref:	CMS0025
Attachments:	-		
Reporting Officer(s):	R Gunning		
Checked/Endorsed by:	J Anthony/M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** in principle the Multicultural Bus Shelter Mural Project; and
- (ii) **RECEIVES** a further report on the designs of the proposed murals prior to the work being undertaken.

COUNCIL DECISION ITEM 10.3.6

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

Bus shelters within the Town are a constant target for vandalism, especially in the form of graffiti. After a constant problem with graffiti on the bus shelters, in particular on the older style shelters on Brisbane Street, numerous requests have been received from the community to paint the bus shelters as a way of deterring the graffiti. Over a six month period statistics received by the Town indicate that bus shelters in the Town are hit by graffiti on an average of four times a week.

Painting bus shelters with a designed mural has been a successful concept used by various councils throughout Australia and overseas. Although painting a mural does not eradicate the instances of graffiti it does act as a deterrent and the shelters remain looking more presentable for a longer period.

DETAILS:

In order for the artwork to be meaningful to the Town the proposal is to involve existing multicultural groups within the Town to participate in the project. Therefore the project aims to not only enhance the streetscape but also to promote multiculturalism and harmony both within the multicultural groups as well as the wider community.

The Bus Shelter Mural Project would involve a professional artist, experienced in community art projects, working directly with the particular multicultural communities to create an individualized mural. Initially the project would select two bus shelters on Brisbane Street, Perth. Thematically the murals would relate to the concepts surrounding Harmony Week, which is to encourage dialogue about multiculturalism, promote community awareness of the Town's rich cultural heritage and enable the community to take a stand against racism and

discrimination. At the conclusion of a series of workshops with the artist and community groups, it is envisioned that the ideas and raw images will be used to formulate a coherent visual statement. The painting of bus shelters would be executed by the artist, with skilled assistants, either contracted or suitably skilled members from the multicultural community group. It is aimed that this process will result in works that retain the vibrancy of the community group's vision with the finished quality of a professional artist. It is intended that the entire project would be completed by July 2005.

CONSULTATION/ADVERTISING:

The community consultation process will abide by the guidelines set out by the Town's Community Consultation Policy.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The Multicultural Bus Shelter Mural Project is in keeping with the Town of Vincent Strategic Plan Amended 2005-2010

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The budget allocated for this project is \$5,500. The fee for the artist is to be funded from the Community Arts Program and the materials and any additional labour will come from the Safer Vincent Initiatives budget.

COMMENTS:

The project would have several positive outcomes. Firstly there would be a general benefit to the community in the adding of quality artwork to the streetscape on what are presently drab bus shelters within the Town. The art work would act as a deterrent to further graffiti and vandalism. It is also anticipated that the project would be a tremendous benefit for those individuals and multicultural communities directly involved in the production of the murals. By being involved in a very visible project that clearly connects the community groups with the broader community it demonstrates the positive contribution they make to the Town, assists in giving the group a sense of identity within the Town and assisting in breaking down the sense of isolation that often exists within these communities.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	11 February 2005
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 Torre, 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
03/02/05	Sponsorship Agreement 14831	2	Town of Vincent and WA Health Promotion Foundation ("Healthway") of PO Box 1284, West Perth re: Ampfest - Clash of the Bands
08/02/05	Deed of Mutual Arrangement	3	Town of Vincent and S Yan Wai Wong of 19 Hillway Street, Nedlands and F J Fleming and K J Fitzgerald of 77 Lawler Street, North Perth re: caveat relating to No. 77 (Lot 277) Lawler Street, North Perth
09/02/05	Deed of Covenant	4	Town of Vincent and West Side Alliance Pty Ltd of Ground Floor, 49 Ord Street, West Perth and National Australia Bank Ltd re: Nos. 313-315 (Lots 1 and 2) Oxford Street, Leederville - Demolition of Two (2) Existing Single Houses and Construction of Six (6) Two-Storey Grouped Dwellings, Two (2) Single Bedroom dwellings and Associated Undercroft Parking

Date	Document	No of copies	Details
11/02/05	Deed of Covenant	3	Town of Vincent and Interwest Pty Ltd of Unit 4/16 Milligan Street, Perth and Suncorp-Metway Ltd and S A Grewal of 19 Minora Road, Dalkeith re: Nos. 315-323 (Lots 7 & 712) Bulwer Street and No. 264 (Lot 12) Fitzgerald Street, Perth - Proposed Demolition of existing two (2) single houses and construction of a two-storey/part three storey mixed use development comprising showroom, shops and eight (8) grouped dwellings and eight (8) single bedroom dwellings

10.4.4 Adoption of Enforcement Policy

Ward:	-	Date:	14 February 2005
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ADOPTS the Draft Enforcement Policy No 4.1.21 as shown in Appendix 10.4.4.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2004 the Council resolved as follows:

‘That the Council;

- (i) APPROVES of an Enforcement Policy – No 4.1.21 and a Prosecution Policy No 4.1.22 as shown in Appendix 10.4.5; and*
- (ii) all policies to be advertised for public comment for a period of 21 days, and in the event that no public comment is received on a policy, that policy will automatically be incorporated into the Policy Manual and in the event that public comment is received, that policy will be reported to Council for review.”*

DETAILS:

The Town has adopted a Prosecution Policy to provide guidance to the Town’s administration.

The Department of Prosecutions has published a “*Prosecutions Policy*” and this has been used as a model with minor changes to reflect the Town’s circumstances. The Enforcement Policy has been based on that used by State Government Departments.

This policy was advertised on 15 January 2005 and submissions closed on 9 February 2005. One submission was received and this is summarised together with the CEO’s comments as follows:

1. Mr Dudley Maier of Chatsworth Road, Highgate

“Given that there is a separate Prosecution Policy, I believe that the Enforcement Policy should only deal with the actions required to enforce an Act, Regulation or Local Law up to, but not including prosecution. All matters dealing with prosecution including the establishment of a prima facie case, determining the likelihood of conviction, the public interest and the decision to prosecute should only be in the Prosecution Policy. It should not be spread over two policies. Apart from causing confusion, it is likely that the policies will be aimed at different groups – Enforcement will be aimed at the general staff, and Prosecution will be aimed at senior staff and council.”

CEO’s Comment:

This comment is generally supported and the policy has been amended accordingly. Existing clause (4) has been deleted and inserted as clause (2) paragraph (3) of the Prosecution Policy.

“In terms of enforcement, I believe that the policy would be more logical if it followed the most likely order of events. This would be verbal direction, issuing a letter, issuing any notice/order/direction, and ultimately deciding on prosecution.”

CEO’s Comment:

Agreed.

“Any verbal warning should be recorded, hopefully in a central location, so that repeated breaches can be recognised. Such information will be of use should any further action be required.”

CEO’s Comment:

Agreed. Existing clause (4) has been deleted and new clause (4) has been included.

“The draft policy refers to ‘work premises’. This should be corrected for obvious reasons.”

CEO’s Comment:

Agreed.

“In cases where safety or health is an issue, and an immediate result is desirable, the policy should suggest telephone or personal contact.”

CEO’s Comment:

Agreed. New clauses (5) to (8) have been included.

“I do have concerns about the vagueness of the term ‘public interest’ and the delegation of the decision not to prosecute to the Town’s Chief Executive Officer. I believe that one element of public interest that is often ignored is the deterrent factor. If there is a continued breach, and there is a reasonable prospect of conviction, and the Act etc makes provision for prosecution the Town should always prosecute. The remedy is to rectify the breach, not to ignore it and establish a precedent which may ultimately lead to an inconsistent application of the Law etc. If there are extenuating circumstances the Town may endeavor to assist the person rectifying the breach, but it must be rectified.”

CEO's Comment:

Not supported. The Prosecution Policy has been well researched and the "*public interest*" term is the one defined by the Director of Public Prosecutions.

"I also believe that the decision not to prosecute should always be made by the Council. The decision to prosecute may be delegated to the CEO but the Council must always be the decision maker when a decision is made not to prosecute. These statements are not contradictory."

CEO's Comment:

Disagree. The CEO's role is defined by the Local Government Act 1995 and this includes "*day to day management*" of the Town. It would be unworkable if every decision not to prosecute is reported to the Council. The Council's adoption of a Prosecution Policy formalises the criteria used by the CEO in determining whether to institute a prosecution or not. This has worked well and accordingly no change is supported.

The amended policy is attached at Appendix 10.4.4. Changes are shown by strikethrough and italic and underline.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public. This policy was advertised on 15 January 2005 and submissions closed on 9 February 2005. One submission was received.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

The use of policies is in keeping with the Town's Strategic Plan 2005-2010 – Key Result Area Four – Governance and Management "*4.2(b) Review of policies on governance and management.*"

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The adoption of the draft Enforcement Policy – No 4.1.21 including the supported changes is recommended. Clause (2), paragraph (3) of the Prosecution Policy will be amended to include the existing clause 4 of the Enforcement Policy.

10.4.5 Draft Amended Community Consultation Policy - Progress Report No. 2

Ward:	Both Wards	Date:	10 February 2005
Precinct:	All Precincts	File Ref:	PLA0116
Attachments:	-		
Reporting Officer(s):	D Abel		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Interim Report as at 22 February 2005 relating to the Draft Amended Community Consultation Policy No. 4.1.5; and*
- (ii) *NOTES that a further report, Draft Amended Policy relating to "Community Consultation", Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, will be submitted to an Ordinary Meeting of Council by no later than April 2005.*

COUNCIL DECISION ITEM 10.4.5

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The Council at its Ordinary Meeting held on 23 March 2004, considered this matter and resolved (inter alia) as follows:

"That, to assist in the review of the Town's Community Consultation Policy, the Council APPROVES of the following;

- (i) *a Community workshop to be held in mid to late May 2004;*
- ...; and
- (vi) *following the workshop, the Town's Officers to prepare a revised draft policy and report back to Council by the first meeting in August 2004."*

The Council at its Ordinary Meeting held on 10 August 2004 resolved as follows:

"That the Council;

- (i) *RECEIVES the Interim Report as at 4 August 2004 relating to the Community Consultation Workshop held on 20 May 2004 and review of Policy No 4.1.5 - "Community Consultation";*

- (ii) *APPROVES IN PRINCIPLE the changes to Policy No 4.1.5 - "Community Consultation" as detailed in this Interim Report under the categories of "supported" and "supported in part" by the Chief Executive Officer;*
- (iii) *NOTES that;*
 - (a) *the Policy relating to "Community Consultation" (mainly part 3 - Town Planning, Development and Heritage Matters) is being completely reviewed taking cognisance of the matters raised at the community workshop held on 20 May 2004 and the comments contained in this Interim Report; and*
 - (b) *the draft amended Policy relating to "Community Consultation" will be presented at the Elected Members Forum to be held on 21 September 2004; and*
 - (c) *a further report and a draft amended Policy relating to "Community Consultation" will be submitted to the Ordinary Meeting of Council to be held on 28 September 2004."*

The Draft Amended Community Consultation Policy was discussed at the Elected Member Forum held on 21 September 2004.

The Council at its Ordinary Meeting held on 28 September 2004 resolved as follows:

"That the Council;

- (i) *RECEIVES the Interim Report as at 22 September 2004 relating to the Draft Community Consultation Policy No 4.1.5; and*
- (ii) *NOTES that further report and a draft amended Policy relating to "Community Consultation" together with the Town of Vincent Community Consultation Submission Guidelines - Planning, Building and Heritage Matters will be submitted to the Ordinary Meeting of Council to be held on 26 October 2004; and*
- (iii) *AUTHORISES the Chief Executive Officer to include a charter under Town Planning, Development and Heritage Matters, that outlines consultees key principles in preparation of their submissions, including the responsibilities of the Town's Officers and Elected Members in processing and considering their submissions."*

The Council at its Ordinary Meeting held on 26 October 2004 resolved as follows:

"That the Council;

- (i) *RECEIVES the Interim Report as at 19 October 2004 relating to the Draft Amended Community Consultation Policy No. 4.1.5; and*
- (ii) *NOTES that a further report, Draft Amended Policy relating to "Community Consultation", Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, will be submitted to an Ordinary Meeting of Council to be held in November 2004."*

The Council at its Ordinary Meeting held on 23 November 2005 resolved as follows:

"That the Council;

- (i) *RECEIVES the Interim Report as at 23 November 2004 relating to the Draft Amended Community Consultation Policy No. 4.1.5; and*

- (ii) *NOTES that a further report, Draft Amended Policy relating to "Community Consultation", Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, will be submitted to an Ordinary Meeting of Council to be held in February 2005."*

DETAILS:

The Town's Officers have given high priority to address the pressing need to develop and implement initiatives and strategies to re-engineer the Town's development approval process, to successfully achieve the following objective:

"To re-engineer our development approval procedures/processes using our existing resources and with our current delegations (and preferably with new or additional delegated authority) to process applications in a more simplified, concise, efficient and effective manner and within agreed acceptable 'best practice' timeframes."

The Chief Executive Officer delivered a Concept Forum (behind closed doors) presentation to the Elected Member Forum held on 16 November 2004, regarding the above matter.

As part of this re-engineering process, the following indicative development application processing time targets (key performance indicators) have been set:

<p align="center"><u>Category 1</u></p> <p align="center">Maximum of 60 Days</p>	<p align="center"><u>Category 2</u></p> <p align="center">Maximum of 60 Days</p>	<p align="center"><u>Category 3</u></p> <p align="center">Maximum of 42 Days (6 weeks)</p>	<p align="center"><u>Category 4</u></p>
	<ul style="list-style-type: none"> • Demolitions requiring Heritage Assessment Reports • Developments of three or more in number • Retrospective Approvals: <ul style="list-style-type: none"> – Where archival search is required from PCC 60 Days – Where no archival search is required 28 Days 	<ul style="list-style-type: none"> • Supportable Applications - Recommended for Approval 42 Days Full Process • Not Supportable - recommended for Approval 28 Days Brief Report direct to Council (without consultation) 	<ul style="list-style-type: none"> • <u>Not Supportable Applications</u> 21 Days Brief Report direct to Council (without consultation) <u>Note:</u> with Delegated Authority, processing time can be reduced to <u>14 days</u>. • <u>Supportable Applications</u> - Recommended for Approval 28 Days

The Draft Amended Policy relating to Community Consultation, Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, needs to be reviewed and amended to achieve the above indicative processing time targets.

CONSULTATION/ADVERTISING:

The Draft Amended Community Consultation Policy once endorsed by the Council will be formally advertised for public comment.

LEGAL/POLICY:

Policies are not legally enforceable; they provide guidance to the Town's Administration and Elected Members when considering various matters.

STRATEGIC IMPLICATIONS:

The Community Consultation Policy is in keeping with the Town's Strategic Plan 2005-2010: Key Result Area 4.2 *'Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town'*.

FINANCIAL/BUDGET IMPLICATIONS:

No additional funds have been necessary as all work has been carried out *"in-house"*, using existing resources.

COMMENTS:

The Draft Amended Policy relating to Community Consultation and associated draft documents needs to be reviewed and amended to achieve the indicative development application processing time targets set as part of the re-engineering of the development approval process. This task is expected to be completed by April 2005. (The Town's Manager Planning, Building and Heritage Services is primarily responsible for the review and will be on leave for late February/early March 2005.)

In light of the above, it is recommended that Council receives this interim report, and notes that a further report, and the Draft Amended Policy relating to Community Consultation and associated draft documents, will be submitted to an Ordinary Meeting of Council to be held by no later than April 2005.

10.4.6 Forums – Review of Operations and Guidelines

Ward:	-	Date:	16 February 2005
Precinct:	-	File Ref:	ADM0016
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the operations of the Town’s Forums and review of the Guidelines;*
- (ii) *AMENDS clause 8.6 of the Forum Guidelines as follows:*

“8.6 Presentation and Deputations

- (i) *The Chief Executive Officer, in consultation with the Mayor, shall determine the most appropriate time period to be allocated for each presentation and/or deputation. (However, as a guide, the following is to be used;)*

<i>Item</i>	<i>Presentation</i>	<i>Questions & Answers</i>
<i>Small Developments</i>	<i>10 minutes</i>	<i>5 minutes</i>
<i>Medium Size Developments</i>	<i>15 minutes</i>	<i>15 minutes</i>
<i>Large/Complex Developments</i>	<i>30 minutes</i>	<i>30 minutes</i>
<i>Concept Forum Items</i>	<i>At the determination of CEO and Mayor</i>	
<i>Public Interest Forum Items</i>	<i>At the determination of CEO and Mayor</i>	

- (ii) *Where an item has already been determined at a Council meeting and a decision made (other than a “deferral” of the item), any request for the matter to be presented at a subsequent forum shall only be considered in accordance with the following criteria:*
 - (a) *the applicant/presenter shall make written application to the CEO for the request;*
 - (b) *the applicant is to state reasons for the request;*
 - (c) *the request will only be approved if there is new information that will, in the opinion of the CEO (after liaison with the Mayor), be beneficial to the Elected Members; or*
 - (d) *the request may be approved if there is a significant or substantial amendment of the matter since it was determined by the Council. The amendment(s) should significantly address the matters of non-compliance or items which were of concern to the Council. Matters which are unchanged or with minor or “cosmetic” changes will not be approved for a Forum. In these cases the applicant will be advised of their right to address the Council during public question time at a forthcoming meeting;*

(e) a request will not be included into a Forum Agenda unless:

- it complies with (c) and (d) above; and
- the application has been received and assessed by the Town's officers.

(f) If (e) above has been complied with, the subsequent presentation to the Forum will (as a guide) take the following format:

Presentation: 15 minutes

Officer Comments: 5 minutes

Questions/discussion: 10 minutes

Total 30 minutes."

COUNCIL DECISION ITEM 10.4.6

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Ordinary Meeting of Council held on 8 June 2004, the Council considered the matter of forums and resolved *inter alia* as follows:

"That;

- (i) the Council ADOPTS the draft Forum Guidelines as shown in Appendix 10.4.3 subject to the third paragraph of clause 3.2 of Guidelines being amended ...*
- (iii) the Council further reviews the Forum Guidelines and Procedures in December 2004 and a report be submitted to the Council with any recommendations for changes;*

At the Ordinary Meeting of Council held on 10 August 2004, the Council resolved to approve amendments to the Guidelines to reflect public submissions.

A summary of the Forums held from July to December 2004 is shown at Appendix 10.4.6. This summary reveals that:

1. No of Forums

A total of nine (9) forums were held, with two being held in October and November 2004. The forums totalled 27 hours and 50 minutes.

2. Attendance

(a) *Elected Members*

Generally the forums were well attended by the Elected Members, with the exception of two Councillors.

Total No of Forums Held		No Attended	Apology	Leave of Absence	No Response
Mayor	9	8	-	1	-
Cr Chester	9	9	-	-	-
Cr Cohen	9	9	-	-	-
Cr Doran-Wu	9	7	1	1	-
Cr Farrell	9	6	3	-	-
Cr Franchina	9	0	1	-	8
Cr Ker	9	7	2	-	-
Cr Lake	9	9			
Cr Torre	9	1	5	-	3

(b) *Public*

Forum No	No of attendees
1	5
2	1
3	4
4	0
5	6
6	1
7	1
8	1
9	1
Total	29

The average public attendance at forums is 2.22 per session (four forums had an attendance of 6, 5 and 4. Five forums only had 1 member of the public – Mr Maier).

One forum was held “*behind closed doors*” and closed to the public and six forums were held “*behind closed doors*” for part of the forum.

3. Presentations

A breakdown of the types of items and their presentation is as follows:

Type of Item	No of Items	No of Confidential Items	Presented by Officer	Presented by External Person	Presented by Officer & External Person	Total
Public Interest	9	-	3	5	2	10
Agenda	8	-	1	6	-	7
Concept	18	-	16	2	-	18
TOTAL	35	-	20	13	2	35

4. Council Chamber

In December 2004 the Chamber was fitted with audio visual equipment to allow for Powerpoint presentations and this to be viewed on monitors and screens. This was a major improvement to the presentation format.

DETAILS:

In late 2004 a number of Elected Members made submissions on the Forum Guidelines and these are summarised as follows:

1. Cr Ker

“We need a clearer statement of criteria for inclusion of an item for presentation in one of our forums. At the very least, we should ensure that the forums are not simply seen as an opportunity to circumvent the three minute limit at Council meetings.

This means that an item should be reasonably substantial and either be new or substantially amended since previously being considered by Council. There should also be clear expectations on the quality of information to be provided.

On this basis, the first item this evening (16 November 2004) was a complete waste of time - and, I suspect, probably counterproductive for the applicant. Whilst the development itself might be considered of sufficient importance, there was no attempt to address the key issues raised by Council in rejecting the previous proposal and supported by the Town Planning Appeals Tribunal. Virtually none of the changes made to the previous proposal can even be considered by Council in terms of a development approval and the basic development remains unchanged, with only cosmetic changes. To add insult to injury, the applicant didn't seem to know the details of what he was proposing!

What the presenter presented could easily have been covered in the three minutes at a Council meeting.

The second item wasn't much better and could similarly have been covered in the three minutes at a Council meeting.”

CEO's Comment

Supported. The Forum Guidelines at clause 8.6 have been amended to reflect the comments.

2. Cr Chester

“I totally agree. To make matters worse because the DA had not been submitted our officers had not conducted a preliminary assessment, so we were not in a position to get objective advice from our officers.”

CEO's Comment

Supported.

3. Cr Lake

“If a development application is presented at a forum, I would like time given to our officers to comment on non-compliances or any issues they consider significant. This is particularly important to address any statements by the applicant which the officers may not agree with.

For example for the Carr St development, the applicant told us they were not taking full advantage of the density and were proposing less apartments than the zoning would allow. When the report came to Council the officers stated that the proposal exceeded the density allowable. I would have preferred for that to be stated clearly and openly at the Forum, rather than hearing only the applicant's version at that time.

My thought is that an applicant be given 15 minutes to present, our officers 5 minutes to make their comments, particularly addressing any statements by the applicant which they disagree with then 10 minutes for questions.”

CEO's Comment

Supported and included into the Guidelines at 8.6(f).

4. Cr Farrell

“Sorry to add verbatim but I agree with the comments that have been made by Simon, Sally and Ian.

I felt that in many respects the first two items presented didn't offer sufficient information or justification for their inclusion on the agenda.

The applicants seemed ill prepared and there appeared to be a lack of communication between the applicants and the officers.

I agree with Ian in that I feel we should review the guidelines for briefings with respect to the minimum requirements of applicants when presenting at Forums.”

CEO's Comment

Supported.

5. Mayor Catania

“While I agree that development applications at Forums should be better prepared – when I agree to a Forum presentation I presume they are well prepared.”

CEO's Comment

Noted.

6. Cr Doran-Wu

“Considering we go to great lengths to be at Council to give of our time, and our family's time (I spent a bit of time between items just keeping in touch with my children) adds insult to injury. The presentations were poor, inaccurate and unprepared.

I am willing to go to a committee system and give applications my full attention but I hope the standard of presentation will be a lot higher!"

CEO's Comment

The introduction of a committee system would require substantial investigation. Information obtained from the Town of Cambridge revealed that a committee system (and one Council Meeting per month) will require additional resources such as a Committee Clerk and additional admin support for preparing and printing Agendas and Minutes.

In view of the additional cost (with no significant benefit) the introduction of a committee system is not supported.

CONSULTATION/ADVERTISING:

NA.

LEGAL/POLICY:

The Town of Vincent Local Law relating to Standing Orders has been amended and approved at the Ordinary Meeting held on 8 June 2004. A new Clause has been inserted into the Standing Orders to give power for the Council to prepare guidelines and procedures and for these to be observed by all persons.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 4.3, "*Develop a constructive and co-operative team approach between Mayor, Councillors, staff and community*", and in particular, 4.3(a) "*Develop guidelines and policies to facilitate the interaction of all parties*" and 4.3(d) "*Increase and promote community participation in Council activities and promote positive and constructive relationships between employees and the community.*"

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The new Forum format has worked reasonably well. Whilst it is acknowledged that there have been a number of complex matters presented, the administrative resources required have, to a degree, impacted on the normal day to day operations.

The recommended amendments to the Guidelines will improve the format and operations of Forums. Accordingly, it is recommended that the Council continue with the Forums.

10.4.7 Local Government Statutory Compliance Audit - 2004

Ward:	-	Date:	14 February 2005
Precinct:	-	File Ref:	ADM0019
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ADOPTS the Local Government Statutory Compliance Audit for 2004, as "Laid on the Table" and circulated separately to Elected Members and this be forwarded to the Department of Local Government and Regional Development.

COUNCIL DECISION ITEM 10.4.7

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The Department of Local Government and Regional Development has issued a "Local Government Statutory Compliance Audit" to all Local Governments throughout Western Australia. This return requires the Chief Executive Officer and Mayor to certify that the statutory obligations of the Local Government have been complied with. The Chief Executive Officer may delegate to a responsible person to complete part of the Return.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The completion of the Statutory Compliance Return is compulsory, in accordance with Section 7.13(1) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13). A copy has been provided to all Elected Members and a copy is "Laid on the Table".

The Town has an Audit Committee. The Committee, comprising the Mayor, Deputy Mayor Cr Ian Ker, Cr Helen Doran-Wu, Chief Executive Officer, Executive Manager Corporate Services (non-voting) and S Menon (Auditors) met on 11 February 2005 to review this Audit and confirmed that all areas specified in the Return comply with the all legislative requirements.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATION:

The Statutory Compliance Audit is most beneficial as it is an indication that the Local Government has internal control measures in place to ensure that all statutory obligations are complied with.

COMMENTS:

The Town of Vincent has complied with all statutory compliance provisions and accordingly it is recommended to the Council that the Local Government Statutory Compliance Audit 2004 be adopted.

10.4.9 Town of Vincent Elections - 2005

Ward:	Both Wards	Date:	15 February 2005
Precinct:	All Precincts	File Ref:	ADM0030
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the timetable for the 2005 local government elections; and*
- (ii) *NOTES that the Western Australian Electoral Commission has been approved by the Council to conduct the 2005 Elections (as per the Council decision made at the Ordinary Meeting of Council held on 11 May 2004 - Item 10.4.6).*

COUNCIL DECISION ITEM 10.4.9

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The purpose of this report is to advise Elected Members of the proposed timetable of events and significant dates in relation to the 2005 Local Government Ordinary Election to be held on Saturday 7 May 2005.

Members will be aware that the next ordinary Local Government Elections will be held in May 2005. The Western Australian Electoral Commission (WAEC) has advised that the following election timetable will apply. It should be noted that as a result of the proclamation of Section 39 of the "Local Government Amendment Act 2004", the nomination period for election candidates has been reduced from 14 to seven days. This amendment provides the Electoral Commission with more time to organise the preparation and mailing of postal ballot papers. As the nomination period falls over Easter this year, however, there are only four working days during this nomination time, i.e. from Thursday 24 March to 4.00pm on Thursday 31 March.

Days to Polling Day	Event	Reference to Act/Regs	Day	Date
80	Last day for agreement of Electoral Commissioner to conduct postal election	LGA 4.20 (2)(3)(4)	Wed	16 Feb 2005
80	A decision made to conduct the election as a postal election cannot be rescinded after the 80th day.	LGA 4.61(5)	Wed	16 Feb 2005

Days to Polling Day	Event	Reference to Act/Regs	Day	Date
80	Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election	LGA 4.20(4)	Sat	26 Feb 2005
70 to 56	Between the 70th/56th day the CEO is to give Statewide public notice of the time and date of close of enrolments. Preferred date Wednesday 2 March 2005	LGA 4.39(2)	Sat to Sat	26 Feb 2005 to 12 Mar 2005
56	Advertising may begin for nominations from 56 days and no later than 45 days before election day. Preferred date Wednesday 16 March 2005 Deadline for advice to WAEC regarding resignation of sitting Members requiring extraordinary election.	LGA 4.47(1)	Sat Fri	12 Mar 2005 11 Mar 2005
50	Close roll 5.00pm	LGA 4.39(1)	Fri	18 Mar 2005
45	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)	Wed	23 Mar 2005
44	Nominations Open First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)	Thu	24 Mar 2005
43	Good Friday		Fri	25 Mar 2005
40	Easter Monday		Mon	28 Mar 2005
38	If a candidate's nomination is withdrawn not later than 4.00pm on the 38th day before election day, the candidate's deposit is to be refunded.	Reg. 27(5)	Wed	30 Mar 2005
37	Close of Nominations 4.00pm on the 37th day before election day.	LGA 4.49(a)	Thu	31 Mar 2005
36	CEO to prepare an owners and occupiers role for the election. Electoral Commissioner to prepare residents roll.	LGA 4.41(1) LGA 4.40(2)	Fri	1 Apr 2005
24	Lodgement of election packages with Australia Post.	Approx	Wed	13 Apr 2005
22	The preparation of any consolidated roll under sub-regulation (1) be completed on or before 22nd day before election day.	Reg. 18(2)	Fri	15 Apr 2005
19	Last day for the Returning Officer to give Statewide public notice of the Election. Preferred date Wednesday 6 April 2005	LGA 4.64(1)	Mon	18 Apr 2005
19	Commence processing returned election packages.	Approx	Mon	18 Apr 2005
12	Anzac Day		Mon	25 Apr 2005
0	Election Day Close of poll 6.00pm	LGA 4.7	Sat	7 May 2005

Post Election Day	Post Declaration	Reference to Act/Regs	Day	Date
2	Election result advertisement.	LGA 4.77	Mon	9 May 2005
14	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election.	Reg.81	Sat	21 May 2005
28	An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA 4.81(1)	Sat	4 June 2005

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The elections will be carried out by the Western Australian Electoral Commission on behalf of the Town. The Council decision to appoint the WAEC was made at the Ordinary Meeting of Council held on 11 May 2004.

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

It is anticipated that the postal election costs will be met from within budget allocations.

COMMENTS:

Nil.

10.1.18 Birdwood Square, Perth – Itinerant Park Dwellers and Anti-social Behaviour

Ward:	South	Date:	16 February 2005
Precinct:	Hyde Park; P12	File Ref:	ENS0102
Attachments:	-		
Reporting Officer(s):	M Wendt		
Checked/Endorsed by:	J MacLean, R Boardman	Amended by:	John Giorgi

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on itinerant park dwellers and anti-social behaviour at Birdwood Square, Perth;*
- (ii) *NOTES the indicative costs required for the implementation of strategies and actions approved at the Ordinary Meeting of Council held on 8 February 2005;*
- (iii) *APPROVES the following:*
 - (a) *rental of a temporary toilet, at an estimated cost of \$2,368, to be trialled over a four (4) month period in a variety of locations in Birdwood Square and the Brisbane Street Car Park to determine the best location for a possible replacement toilet and to determine whether anti-social behaviour decreases;*
 - (b) *keeping the permanent toilets located on Birdwood Square locked for the duration of the trial of the temporary toilets, but making them available to people who hire the park; and*
 - (c) *the Town urgently write to the Department of Health (Street Doctor) to indicate that they are not authorised to attend any of the Town's parks and request that they immediately cease the provision of their services within the Town of Vincent. If they wish to deliver their services within the Town that they submit a request and management plan to the Town for approval; and*
- (iv) *LIST any items identified in the report for consideration in the Draft 2005/06 Budget.*

Moved Cr Doran-Wu, Seconded Cr Cohen

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

- “(iii) (d) *information to be provided, as part of a monthly information report to Elected Members, with regard to:*
- *number of people in Birdwood Square on a daily basis;*
 - *where the Park Dwellers were located, for example, Birdwood Square, Hyde Park and/or Robertson Park;*
 - *the behaviour of the Park Dwellers, for example, intoxication, anti-social behaviour, littering etc; and*
 - *if possible, where the Park Dwellers are coming from, for example, Perth, Kimberley etc;”*

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Cohen

That a new clause (iii)(e) be added as follows:

“(iii) (e) the toilets being locked on weekend evenings at 7.30pm;”

Debate ensued.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.18

That the Council;

- (i) RECEIVES the report on itinerant park dwellers and anti-social behaviour at Birdwood Square, Perth;*
- (ii) NOTES the indicative costs required for the implementation of strategies and actions approved at the Ordinary Meeting of Council held on 8 February 2005;*
- (iii) APPROVES the following:*
 - (a) rental of a temporary toilet, at an estimated cost of \$2,368, to be trialled over a four (4) month period in a variety of locations in Birdwood Square and the Brisbane Street Car Park to determine the best location for a possible replacement toilet and to determine whether anti-social behaviour decreases;*
 - (b) keeping the permanent toilets located on Birdwood Square locked for the duration of the trial of the temporary toilets, but making them available to people who hire the park; and*
 - (c) the Town urgently write to the Department of Health (Street Doctor) to indicate that they are not authorised to attend any of the Town's parks and request that they immediately cease the provision of their services within the Town of Vincent. If they wish to deliver their services within the Town that they submit a request and management plan to the Town for approval;*
 - (d) information to be provided, as part of a monthly information report to Elected Members, with regard to:*
 - number of people in Birdwood Square on a daily basis;*
 - where the Park Dwellers were located, for example, Birdwood Square, Hyde Park and/or Robertson Park;*
 - the behaviour of the Park Dwellers, for example, intoxication, anti-social behaviour, littering etc; and*
 - if possible, where the Park Dwellers are coming from, for example, Perth, Kimberley etc; and*
 - (e) the toilets being locked on weekend evenings at 7.30pm; and*
- (iv) LIST any items identified in the report for consideration in the Draft 2005/06 Budget.*

ADDITIONAL INFORMATION:

The Nyoongar Patrol currently records the following information in their day book, which is available to the Town of Vincent on request:

- park name, for example, Birdwood Square;
- name of Park Dweller;
- age of Park Dweller;
- are they homeless;
- transport provided by the Nyoongar Patrol;
- are they intoxicated; and
- outcome/action.

They have also been asked to collect information under the following headings:

- what city/town/community they live in; and
- how long do they plan to stay in Perth.

As part of the Memorandum of Understanding between the Police, the Nyoongar Patrol and the Town of Vincent (as resolved at the Ordinary Meeting of Council held on 8 February 2005), it will be a requirement that this information be provided to the Town of Vincent on a regular basis, in electronic format.

Town of Vincent Rangers drive past Birdwood Square and could provide details of Park Dwellers present in the park. As a rule, they would not enter the park and speak to the Park Dwellers, unless they are responding to a complaint or observe an offence.

The Ranger focus has been to provide assistance to residents regarding illegal parking. If there is an expectation that they make regular visits to Birdwood Square, it will have an adverse impact upon parking enforcement.

Currently, the Rangers collect the following information on a daily basis for Birdwood Square:

- number of people sighted in the park;
- the extent of litter on the park;
- what antisocial behaviour occurred, for example, a fight, which would necessitate contacting the WA Police Aboriginal Police Liaisons Officers Unit; and
- damage to the Town's property and report if applicable.

BACKGROUND:

The Council, at its Ordinary Meeting held on 8 February 2005, resolved as follows:

"That the Council;

- (i) *RECEIVES the report as at 3 February 2005 relating to itinerant park dwellers and anti-social behaviour at Birdwood Square, Perth;*

- (ii) *APPROVES of the following initiatives being implemented:*
- (a) *the Town urgently write to the Premier and the Ministers for Community Development (Hon Sheila McHale); Housing and Works (Hon Nick Griffiths); Indigenous Affairs (Hon John Kobelke) and Police and Emergency Services (Hon Michelle Roberts) to express the Town's strong concerns about the continuing unsatisfactory situation and requests additional State Government assistance to resolve the problem in Birdwood Square;*
 - (b) *the Town write to the Western Australia Police Service thanking them for their continued co-operation and support, and requests the continuation of increased regular patrols around Birdwood Square;*
 - (c) *the Town urgently writes to the State Government Minister for Police and Emergency Services requesting that funding be provided for the Nyoongar Patrol to increase its patrol services and enable them to operate all day on weekends;*
 - (d) *the Town urgently writes to the Department of Health requesting them to review the role of carers of people travelling to Perth for medical treatment through the Patient Assisted Transport Scheme;*
 - (e) *the Town to review the current service provided by the Nyoongar Patrol and develop a Memorandum of Understanding between the Town and Aboriginal Advancement Council of WA;*
 - (f) *the Town to review the opening hours and use of the public toilets located at Birdwood Square but in the interim provide notice that from 14 February 2005 until further notice (as determined by the Chief Executive Officer) the toilets will only be open on weekends on a trial basis to minimise current congregation and anti-social behaviour as the park/reserve facilities were not intended to be used for accommodation;*
 - (g) *cleaning frequencies be delegated to the Chief Executive Officer to determine;*
 - (h) *approves the temporary removal of the heritage plaque located on the eastern side of Birdwood Square, adjacent to the bus shelter until further notice;*
 - (i) *the Department of Health be requested to review the service provided by the "Street Doctor";*
 - (j) *the Birdwood Square Working Group (interim) be formed, including representatives of local residents and businesses, and be requested to develop strategies regarding rough sleepers on parks;*
 - (k) *the Town to review the 'Looking after the Community' brochure;*
 - (l) *investigate the accuracy of the information displayed on the signage in the park;*
 - (m) *conduct a Crime Prevention Through Environmental Design (CPTED) review of Birdwood Square with the assistance of the Office of Crime Prevention;*
 - (n) *erect larger 'no drinking in the park' signage in the park;*

- (o) *replace current bins in the Park with steel bins that restricts people from removing items from the bin;*
- (p) *develop an accord with the Western Australia Police Service, Nyoongar Patrol and Rangers for the intensive patrolling of the park;*
- (q) *review the Town of Vincent Local Law Relating to Parks and Public Reserves to prohibit the possession and/or use of alcohol in Birdwood Square;*
- (r) *the Town to investigate options including costs relating to the park toilet building e.g. additional public toilet(s) and location(s), alterations and repairs to existing toilets, demolition of existing toilets and provision of one unisex disabled toilet appropriately located in the Brisbane Street Car Park and providing temporary toilets when the park is used by schools; and*
- (s) *invites an Elected Member to also attend meetings headed by the Department of Community Development in relation to Birdwood Square Working Group;*
- (iii) *writes to all complainants advising them of the Council's decision;*
- (iv) *receives monthly information reports regarding the status of Birdwood Square and the Birdwood Square Working Group as well as other reports for decision as required; and*
- (v) *RECEIVES a further report at the Ordinary Meeting of Council to be held on 22 February 2005 identifying an amount of money commensurate with the implementation of strategies and actions identified by the Working Group."*

DETAILS:

Progress relating to the Council resolution is as follows:

- (ii) *APPROVES of the following initiatives being implemented:*
 - (a) *the Town urgently write to the Premier and the Ministers for Community Development (Hon Sheila McHale); Housing and Works (Hon Nick Griffiths); Indigenous Affairs (Hon John Kobelke) and Police and Emergency Services (Hon Michelle Roberts) to express the Town's strong concerns about the continuing unsatisfactory situation and request additional State Government assistance to resolve the problem in Birdwood Square;*

Action taken
Letters have been sent to each Minister listed above, as well as John Hyde MLA.
 - (b) *the Town write to the Western Australia Police Service thanking them for their continued co-operation and support, and requests the continuation of increased regular patrols around Birdwood Square;*

Action taken
The letter written in response to (ii) (a) to the Minister for Police and Emergency Services also incorporates this resolution.
 - (c) *the Town urgently writes to the State Government Minister for Police and Emergency Services requesting that funding be provided for the Nyoongar Patrol to increase its patrol services and enable them to operate all day on weekends;*

Action taken

The letter written in response to (ii) (a) to the Minister for Police and Emergency Services also incorporates this resolution.

- (d) *the Town urgently writes to the Department of Health requesting them to review the role of carers of people travelling to Perth for medical treatment through the Patient Assisted Transport Scheme;*

Action taken

A draft letter is currently being prepared.

- (e) *the Town to review the current service provided by the Nyoongar Patrol and develop a Memorandum of Understanding between the Town and Aboriginal Advancement Council of WA;*

Action taken

A review is currently being undertaken and the outcome will be reported to the Council.

- (f) *the Town to review the opening hours and use of the public toilets located at Birdwood Square but in the interim provide notice that from 14 February 2005 until further notice (as determined by the Chief Executive Officer) the toilets will only be open on weekends on a trial basis to minimise current congregation and anti-social behaviour as the park/reserve facilities were not intended to be used for accommodation;*

Action taken

As of 14 February 2005, the above change has been implemented. The Nyoongar Patrol has been informed of the change and has been relieved of its duty to lock the toilets of an evening.

A complaint has been received regarding the inappropriateness of the closure and the resulting antisocial behaviour.

- (g) *cleaning frequencies be delegated to the Chief Executive Officer to determine;*

Action taken

Due to the resolution to lock the Birdwood Square toilets during the week, and open them during weekends, the toilets will be cleaned on both Saturday and Sunday. This will be piloted and a review undertaken. Given that the toilets are locked during the week, there will be no need to undertake cleaning during the week.

The cost for this service is \$60 for the weekend.

Additional litter pick-up for the Birdwood Square grounds and playground has been arranged for Saturdays and Sundays.

The cost for additional litter pick-up on Saturdays and Sundays at Birdwood toilet surrounds is \$217.80 (including GST) per month.

- (h) *approves the temporary removal of the heritage plaque located on the eastern side of Birdwood Square, adjacent to the bus shelter until further notice;*

Action taken

The heritage plaque has been temporarily removed from the park. The cost of removal was \$80.

- (i) *the Department of Health be requested to review the service provided by the "Street Doctor";*

Action taken

A draft letter is currently being prepared.

- (j) *the Birdwood Square Working Group (interim) be formed, including representatives of local residents and businesses, and be requested to develop strategies regarding rough sleepers on parks;*

Action taken

Nomination forms have been sent to local Residents and Businesses surrounding Birdwood Square.

- (k) *the Town to review the 'Looking after the Community' brochure;*

Action taken

The current brochure is undergoing review. A copy of the final draft will be completed within a month.

The estimated cost for the changes and reprinting of the brochure will be \$388.30 for a print run of 500. This is already included in the 2004/05 Budget. This will be circulated amongst stakeholders for comment.

- (l) *investigate the accuracy of the information displayed on the signage in the park;*

Action taken

A review is currently being undertaken.

- (m) *conduct a Crime Prevention Through Environmental Design (CPTED) review of Birdwood Square with the assistance of the Office of Crime Prevention;*

Action taken

The cost is still being investigated, but is expected to be around \$3,000. This will be listed for consideration in the Draft 2005/06 Budget.

- (n) *erect larger 'no drinking in the park' signage in the park;*

Action taken

The cost for this has been estimated at \$500 for two signs, 500 millimetres x 350 millimetres, each erected on two poles.

Action taken

The signage will read:

"No possession and/or use of alcohol allowed on this Park, except by permission of the Chief Executive Officer"

- (o) *replace current bins in the Park with steel bins that restricts people from removing items from the bin;*

Action taken

Plastic bins with restricted access will be trialled. The steel bins have been costed at \$693 each. It is envisaged that two bins will be purchased. Currently there is no budget allocated for this expense.

- (p) *develop an accord with the Western Australia Police Service, Nyoongar Patrol and Rangers for the intensive patrolling of the park;*

Action taken

A meeting has been convened for the week commencing 21 February 2005 to discuss the accord with the Nyoongar Patrol and the WA Police.

- (q) *review the Town of Vincent Local Law relating to Parks and Public Reserves to prohibit the possession and/or use of alcohol in Birdwood Square;*

Action taken

The Local Law is being reviewed and will be reported to the Council for consideration.

- (r) *the Town to investigate options including costs relating to the park toilet building e.g. additional public toilet(s) and location(s), alterations and repairs to existing toilets, demolition of existing toilets and provision of one unisex disabled toilet appropriately located in the Brisbane Street Car Park and providing temporary toilets when the park is used by schools; and*

Action taken

Various Options and Costs

Alterations and repairs to existing toilets

Maintenance costs for Birdwood Square existing toilets are:

2003/04	\$5,614
2004/05 (to date)	\$1,214

Demolition of existing toilets

A quote for demolition has been sought from Diacon Demolition. This also includes the removal of the rubble. The cost for this is estimated to be \$8,900 plus GST. An extra \$1,000 will need to be allowed for the disconnecting of services.

Parks Services have indicated that it will cost \$2,500 to landscape and reticulate the area once the demolition has occurred. Total cost is approximately \$12,400.

Provision of temporary toilets when the park is used by schools

Hire of portable toilets - prices for weekly (7 day) hire, and weekend only is the same cost:

- ~ Disabled toilet (1Pan) \$480.00 per week includes delivery, pick up, cleaning and stocking; and
- ~ Standard Toilet (1 Pan) \$197.37 per week includes delivery, pick up, cleaning and stocking.

Provision of one unisex disabled toilet

Construction of new brick and metal roof stand alone with disability access with male and female (1pan each) is estimated to cost \$45,000 depending final design and on availability of services.

Supply and installation of Self Cleaning unit with 1 pan and disability access

Option 1: Cost for basic unit \$70,000 plus \$7,000 delivery and connection fees.

Option 2: Cost for two units, one accessible plus one standard pan self flushing, would be \$126,000 plus connection fees.

Relocation of toilets:

Option 1: Birdwood Square south east corner

Option 2: Brisbane Street Car Park

The Town would be required to supply services to within 1 metre of the unit. Depending again on the availability of water, power and sewer mains. This could add \$10,000 to this cost. More precise costs are being investigated.

The exact costing for each option is still being investigated.

- (s) *invites an Elected Member to also attend meetings headed by the Department of Community Development in relation to Birdwood Square Working Group;*

Action taken

Councillor Doran-Wu has indicated that she would like to attend the Birdwood Square Working Group meetings and will be invited to attend.

- (iii) *writes to all complainants advising them of the Council's decision;*

Action taken

A letter has been written and distributed on Wednesday, 16 February 2005, along with a nomination form for the Birdwood Square Working Group.

- (iv) *receives monthly information reports regarding the status of Birdwood Square and the Birdwood Square Working Group as well as other reports for decision as required; and*

Action taken

Monthly information reports will be submitted to the Council for consideration.

- (v) *RECEIVES a further report at the Ordinary Meeting of Council to be held on 22 February 2005 identifying an amount of money commensurate with the implementation of strategies and actions identified by the Working Group."*

Action taken

A report has been listed on the Agenda for the Ordinary Meeting of Council to be held on 22 February 2005.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Town's Local Law Relating to Parks and Reserves controls the use of parks. However, the Local Law is not effective for control of the unacceptable anti-social and illegal behaviour, which is a Police Service responsibility.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area Two – Community Development:

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

- b) *Undertake social research and a community needs survey and review existing projects in light of survey results.*
- f) *Investigate and implement mechanisms to improve community participation.*
- g) *Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promotes safety and security.”*

FINANCIAL/BUDGET IMPLICATIONS:

Estimate of expenditure to be undertaken in 2004/05 financial year	
Additional days - cleaning toilets Sat & Sun 1 March 2005 to the end of the financial year. Cost is \$60 per week - this will be replacing the 2 current cleaning days, Monday and Friday.	\$720
Additional days - pick up litter Sat & Sun 1 March 2005 to the end of the financial year. Cost is \$55 per week.	\$660
Review & reprinting of <i>Looking After the Community</i> brochure - this has already been budget for 2004/05	\$389
'No drinking' signage & 2 (including installation, materials and artwork)	\$500
4 month trial of portable toilet commencing March 2005	\$2,368
TOTAL	\$4,637

Maintenance costs to date	
Heritage sign removed	\$80
Maintenance of toilets to date	\$1,214 (to 15/2/05)
TOTAL	\$1,294

Summary of costs for 2005/06 Draft Budget	
CPTED review of park	\$3,000
TOTAL	\$3,000

Overall costings covered in the above report. These have been broken into options - see below	
Demolition of toilets	\$9,790
Disconnection of services during demolition	\$1,000
Landscaping after demolition	\$2,500
Portable toilets disabled (for events - including delivery, pickup, cleaning and stocking)	\$480 per week
Portable toilets standard (for events - including delivery, pickup, cleaning and stocking)	\$198 per week
Self-cleaning toilets option to replace demolished toilets	\$77,000
Unisex disabled toilets option to replace demolished toilets	\$45,000
Relocation of toilets (water, power, sewer)	\$10,000

Actual amounts to be included for consideration in 2005/06 Draft Budget will be determined as a result of the meetings of the Birdwood Square Working Group and relevant strategies adopted.

Option 1

Demolition of toilets	\$9,790
Disconnection of services during demolition	\$1,000
Landscaping after demolition	\$2,500
Self-cleaning toilets option to replace demolished toilets	\$77,000
Relocation of toilets (water, power, sewer)	\$10,000
TOTAL	\$100,290

Option 2

Demolition of toilets	\$9,790
Disconnection of services during demolition	\$1,000
Landscaping after demolition	\$2,500
Unisex disabled toilets option to replace demolished toilets	\$45,000
Relocation of toilets (water, power, sewer)	\$10,000
TOTAL	\$68,290

Option 3

Demolition of toilets	\$9,790
Disconnection of services during demolition	\$1,000
Landscaping after demolition	\$2,500
TOTAL	\$13,290

COMMENTS:

The toilets at Birdwood Square are a very contentious issue for the Town for a variety of reasons:

- ~ significant damage is done to the toilets themselves when they are left open which, is an on-going cost to the Town;
- ~ various groups congregate around the toilets which are, unfortunately, located close to the intersection of the two residential streets. If the groups are drinking, they tend to become very vocal and abusive to each other and people using the park. This is heard acutely by the residents and can carry on into the night;
- ~ the toilets provide shelter during the winter and the path around the toilets provide a dry area to sit, which encourages itinerants to linger and set up camp;
- ~ the toilets are located next to the playground. When groups are hanging around drinking and displaying anti-social behaviour, they also tend to sit on the playground. In the past this has deterred young children from using the playground.

Although Birdwood Square is a significant asset for the Town, the current situation is decreasing its community value. The antisocial behaviour has continued for over ten years.

The demolition of these toilets may or may not solve the antisocial behaviour problems, but it is suggested that various options be explored to determine the best solution. As an initial option, the current locking of the toilets during the week should be treated as a trial along with the renting of a temporary toilets, which should be located in a different area of the reserve and the result monitored.

The CEO has amended this report by including the following CEO's Comment:

CEO's COMMENT:

On 15 February 2005, the Mayor and CEO met the newly appointed Central District Police Superintendent Brian Cunningham. He is aware of the current issues and has indicated that the Police will be more pro-active and will adopt a "*zero tolerance*" policy to the crime committed by the park itinerants. This Police action should bring about some short term relief to the immediate problems.

10.1.11 No(s). 148-158 (Lot(s) 13, 31 & 121) Scarborough Beach Road corner Flinders Street and Fairfield Street, Mount Hawthorn - Request for Reconsideration of Condition of Development Approval for Partial Demolition and Alterations and Additions to Existing Shopping Centre and Construction of a Two-Storey Carpark

Ward:	North	Date:	16 February 2005
Precinct:	Mt Hawthorn Centre; P2	File Ref:	PRO0266; 00/33/2688
Attachments:	001		
Reporting Officer(s):	R Rasiah		
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 James Christou & Partners Architects on behalf of the owner Hyde Park Management Ltd for Request for Reconsideration of Condition of Development Approval for Partial Demolition and Alterations and Additions to Existing Shopping Centre and Construction of a Two-Storey Carpark, at No(s). 148-158 (Lot(s) 13, 31 & 121) Scarborough Beach Road corner Flinders Street and Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 1 February 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) prior to the issue of a Building Licence, Management Plans addressing after hours security to carpark including closure times, collection of rubbish, loading/unloading operations and collection of shopping trolleys, shall be submitted to and approved by the Town. The implementation of the Management Plan shall be undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans, which shall include;*
 - (a) management of the internal road with a view to pedestrian safety and amenity (for example a "shared zone");*
 - (b) external signage to make it clear that Flinders Street is the primary car parking access from Scarborough Beach Road;*
 - (c) fixed signage within the car park to direct circulating traffic on the lower deck to the Flinders Street entry/exit for access to the upper deck; and*
 - (d) variable message signage visible on Flinders Street, prior to entry into the carpark, indicating when there are no parking bays available on the lower level and directing cars to the upper level entry;*

- (v) *prior to the first occupation of the development, ten (10) class- one or two and fifteen (15) class-three bicycle parking facilities shall be provided at a location convenient to the entrance and within the development. The owners shall provide additional class one or two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic, use of right of way (ROW) Unity Lane, carparking, dust and any other appropriate matters (such as notifying all landowners/occupiers of commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *doors, windows and adjacent floor areas fronting Scarborough Beach Road, part of Flinders Street and the proposed "Internal Road" shall maintain an active and interactive relationship with these streets;*
- (ix) *the car parking area(s) on the subject land shall be sealed, drained, paved, line marked and lit in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$10,345 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$73,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xiii) *a detailed landscaping plan, including a list of plants, planting of mature advanced species of plants/trees, screen landscaping and reticulation along the carparks along Flinders and Fairfield Streets and along the northern boundary, and the landscaping and reticulation of the Flinders Street and Fairfield Street verges adjacent to the proposal, shall be submitted and approved with consultation being undertaken with the residents along Fairfield and Flinders Streets, prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *design features being incorporated into the walls adjacent to the loading docks and the carpark facing Fairfield and Flinders Streets, to further compliment the streetscape;*
 - (b) *continuous and complementary awnings being provided over part of the Scarborough Beach Road and Flinders Streets footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Flinders Street and Scarborough Beach Road;*
 - (c) *incorporation of design features, and colour, compatible materials and height details relating to the transformer along the Flinders Street frontage within the lot;*
 - (d) *details, including materials and height, of retaining walls surrounding Unity Lane; and*
 - (e) *provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*

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

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

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Franchina

That the Item be DEFERRED.

LOST (2-7)

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

MOTION CARRIED (7-2)

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

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

BACKGROUND:

23 December 2004 Council at its Ordinary Meeting resolved to conditionally approve the proposed partial demolition of and alterations and additions to existing shopping centre and construction of two-storey carpark, at Nos. 148-158 (Lots 13, 31& 121) Scarborough Beach Road, corner Flinders Street and Fairfield Street, Mount Hawthorn.

The above development proposal has been presented to Elected Members by the landowners and applicant on 17 February 2005. The applicants have also separately met with the Mount Hawthorn Precinct Group, in relation the above matter.

DETAILS:

The proposal involves the reconsideration of Condition (xiv) (f) of the development approval DA 00/33/2531 approved by Council on 23 December 2004, which is as follows:

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

- (a) design features being incorporated into the walls adjacent to the loading docks and the carpark facing Fairfield and Flinders Streets, to further compliment the street scape;*
- (b) continuous and complementary awnings being provided over part of the Scarborough Beach Road and Flinders Streets footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Street, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Flinders Street and Scarborough Beach Road;*
- (c) incorporation of design features, and colour, compatible materials and height details relating to the transformer along the Flinders Street frontage within the lot;*
- (d) details, including materials and height, of retaining walls surrounding Unity Lane;*
- (e) provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access; and*
- (f) the ingress and egress point to the lower deck carpark from Fairfield Street being restricted to an entrance (ingress) point only.*

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

The applicant has advised that the above Condition (xiv) (f) be deleted for the following summarised reasons (attached):

- “It goes against the transport planning principle of achieving good permeability.*
- It will unnecessarily increase traffic volumes in what will already be highly trafficked area.*
- It is very likely to increase traffic volumes through a highly pedestrianised area.*
- It will put more traffic onto the local road network.”*

Other than the above request for reconsideration, the development proposal is the same as that approved by Council at its Ordinary Meeting held on 23 December 2004. The applicant's submission is *“Laid on the Table”*.

COMMENTS:

Access

“Technical Services has advised that the proposed carpark configuration, circulation, accesses and traffic management plan were discussed at length by the Local Area Traffic Management Advisory Group at its meeting of 20 December 2004. After some considerable deliberation the group agreed that while some residents of Fairfield Street may feel aggrieved about the location of the proposed two-way carpark access from Fairfield Street, the original design, as re-submitted, provided the best outcome in respect of the operational efficiency of

the carpark while minimising the potential impact upon the surrounding streets and ensuring an equitable sharing of the traffic (not withstanding the classification of the respective streets in the Town's functional road hierarchy). Further, an ingress only access will result in increased traffic using the internal service road detracting from its role as a pedestrian friendly shared zone. On the above basis, Technical Services supports the deletion of the condition (xiv) (f) and supports the ingress/egress from the lower deck carpark onto Fairfield Street."

In correspondence dated 3 February 2005, the Mount Hawthorn Precinct Group has given its support that the previous condition (xiv) (f) imposed by Council be removed.

Conclusion

The proposed deletion of Condition (xiv) (f) relating to *"the ingress and egress point to the lower deck carpark from Fairfield Street being restricted to an entrance (ingress) point only"*, is supported as it is considered reasonable and is unlikely to result in undue impact on the amenity of the adjacent or surrounding residents. All the previous conditions imposed by Council at its Ordinary Meeting held on 23 December 2004 have been recommended, with the exception of condition (xiv) (f).

10.1.6 No. 138 (Lot 206) Shakespeare Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations, Two-Storey Additions and Carport to Existing Single House

Ward:	North	Date:	14 February 2005
Precinct:	Mt Hawthorn; P1	File Ref:	PRO2969; 00/33/2523
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Bella Casa Development on behalf of the owner R P Gardiner for proposed Partial Demolition of and Alterations, Two-Storey Additions and Carport to Existing Single House, at No. 138 (Lot 206) Shakespeare Street, Mount Hawthorn, and as shown on amended plans stamp-dated 7 February 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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 Shakespeare Street, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the top of the external wall (roof above) being no more than 6 metres in height from the natural ground level on the northern and southern elevations. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) any carport with the front setback area shall be one hundred (100) per cent open on all sides at all times (open type gates/panels are permitted), except where it may abut the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like); and*
- (v) the total width of any carport within the front setback area shall not exceed 50 per cent of the lot frontage at the building line;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted subject to clause (iii) being deleted and the remaining clauses renumbered.

Debate ensued.

CARRIED (7-2)

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

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 Bella Casa Development on behalf of the owner R P Gardiner for proposed Partial Demolition of and Alterations, Two-Storey Additions and Carport to Existing Single House, at No. 138 (Lot 206) Shakespeare Street, Mount Hawthorn, and as shown on amended plans stamp-dated 7 February 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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 Shakespeare Street, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) any carport with the front setback area shall be one hundred (100) per cent open on all sides at all times (open type gates/panels are permitted), except where it may abut the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like); and*
- (iv) the total width of any carport within the front setback area shall not exceed 50 per cent of the lot frontage at the building line;*

to the satisfaction of the Chief Executive Officer.

Landowner:	RP Gardiner
Applicant:	Bella Casa Development
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	East side, 5 metres wide, unsealed and privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations, two-storey additions and carport to existing single house.

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
Building Height	Maximum 6 metres to the top of external wall (roof above)	6.13 - 6.258 metres	Not supported - as a condition is recommended for compliance of 6 metres height requirement.
Vehicular Access and Street Setbacks Policy: Carports and Garages	Car parking to be accessed from an existing right of way where (legally) available.	Car parking and carport accessed form primary street	Supported - as right of way is unsealed and not programmed to be sealed within the current year, or subsequent financial year.
Consultation Submissions			
Support	Nil		Noted
Objections (2)	<ul style="list-style-type: none"> • Overlooking • Overshadowing • Solar and cooling breeze access • Amenity, scale and bulk 		<p>Not supported - as the application is compliant with R Code privacy requirements.</p> <p>Not supported - as the application is compliant with acceptable development provisions of R Code design for climate requirements.</p> <p>Not supported - as the application is compliant with acceptable development provisions of R Code design for climate requirements.</p> <p>Supported - as the application is conditioned to comply with building height requirements of R Codes.</p>
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:

Response to Objectors

In considering the subject proposal, the Town's Officers have taken into account the concerns raised by adjoining residents. These concerns (overlooking, overshadowing, solar and cooling breeze access and amenity, scale and bulk) were conveyed to the applicant and subsequently amended plans were submitted addressing these concerns.

Carport

Technical Services have advised that the rear right of way is not programmed to be sealed within the current, or subsequent, financial year in accordance with the Town's right of way upgrade programme.

Summary

In light of the above, the proposal is considered supportable, subject to standard and appropriate conditions, which include a reduction in wall height, to address the above matters.

10.1.17 East Perth Redevelopment Authority: Draft Masterplan East Perth Power Station Precinct

Ward:	South	Date:	16 February 2005
Precinct:	Banks; P15	File Ref:	PRO2980
Attachments	-		
Reporting Officer(s):	C Mooney, J Van Den Bok, C Wilson		
Checked/Endorsed by:	R Rasiah, R Boardman, R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Draft Masterplan East Perth Power Station Precinct, dated November 2004;*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council SUPPORTS IN PRINCIPLE the intent and content of the Draft Masterplan East Perth Power Station Precinct, dated November 2004, as 'Laid on the Table', and has regard to the following:*
 - (a) *that EPRA consult with and/or advise the Town on future implementation stages of the Power Station Precinct;*
 - (b) *the Town considers that Draft Masterplan 'Option Two – Urban Garden Model' provides a more realistic concept in terms of addressing concerns over height bulk and scale, and in terms of respecting the character of the adjacent areas, north of Summers Street both residential and commercial, however regards the heights of this option will detract from the setting and cultural heritage significance of the Power Station, as well as affecting the amenity of adjacent residential areas;*
 - (c) *with respect to the cultural heritage significance of the Power Station, strong evidence of consideration for the conservation plan and reference to 'The Illustrated Burra Charter: Good Practice for Heritage Places', Australian ICOMOS, 2004 and this evidence should be highlighted in the further development of the Masterplan;*
 - (d) *that EPRA needs to further investigate the extension of Summer Street in terms of its impact on Summer Street and Joel Terrace;*
 - (e) *the potential traffic increase in Joel Terrace needs to be further investigated in liaison with the Town's Local Area Traffic Management Advisory Group;*
 - (f) *the Draft Masterplan could have a detrimental affect on the amenity of residents in the Town of Vincent and should be factored into the predicted traffic operation model; and*
 - (g) *that adequate and minimum car parking measures are put in place taking into consideration the future land uses;*
- (iii) *OBJECTS to the potential use of the Walters Brook water supply for the Power Station Master Plan. This water source may be required by the Town in future to reticulate Banks Reserve and areas soon to be opened up along the river foreshore from Banks Reserve to Bardon Park; and*
- (iv) *FORWARDS a copy of this report to the EPRA.*

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Cohen, Seconded Cr Ker

That clauses (i), (ii) (a) and (b) be amended and new clauses (ii) (h), (i), (j), (k), (l), (m) (n) and (o) be added as follows:

- “(i) *RECEIVES the report relating to the Draft Masterplan East Perth Power Station Precinct, dated November 2004, as ‘Laid on the Table’;*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council ~~SUPPORTS IN PRINCIPLE the intent and content of the Draft Masterplan East Perth Power Station Precinct, dated November 2004, as ‘Laid on the Table’, and has regard to the following:~~ SUPPORTS IN PRINCIPLE a Re-development of the East Perth Power Station Site and takes into consideration the following:*
- (ba) *~~the Town considers that Draft Masterplan ‘Option Two – Urban Garden Model’ provides a more realistic concept in terms of addressing concerns over height bulk and scale, and in terms of respecting the character of the adjacent areas, north of Summers Street both residential and commercial, however regards the heights of this option will detract from the setting and cultural heritage significance of the Power Station, as well as affecting the amenity of adjacent residential areas~~ the Town has serious concerns with the bulk, scale and density of the development of ‘Option One – Urban Gateway Model’ and ‘Option Two – Urban Garden Model’ which are inconsistent with existing adjacent residential communities, adversely affecting their amenity as well as detracting from the cultural heritage significance of the Power Station building;*
- (ab) *that EPRA consult with the Town at all stages in the development of the final Masterplan and/or advise the Town on all future implementation stages of the Power Station Precinct;*
- (h) *that, as the river foreshore, which is eroded with exposed rubble and unstable riverbanks, is integral to the Power Station Precinct, a financial commitment be made to employ an environmental landscaper/s to restore the river banks, utilising Bio-engineering options, to retain and protect native vegetation that is in danger of being lost and that replanting be undertaken with suitable stock obtained from accredited suppliers;*
- (i) *that a detailed environmental site assessment of the river foreshore area be undertaken prior to any works being undertaken in this area as the area may be contaminated and likely to contain Acid Sulphate Soils;*
- (j) *that EPRA:*
- (1) *attends to landscaping and planting of mature trees with reticulation on Summers Street before the commencement of any further site works, so that the trees can become established in advance of any development, as this will help to ameliorate bulk and scale aspects of buildings on Summers Street and assist in beautifying the street; and*

- (2) *identifies other areas in the 'Power Station Precinct' for planting in advance of development;*
- (k) *that environmental agencies assess the status of the site for contaminants and prepare a report detailing the remediation process that has occurred to date to ensure that the land is suitable for residential use;*
- (l) *that information about the relocation of the Western Power Switchyard be obtained from Western Power and the State Government, including proposed time frames, and seeks advice from government agencies about the suitability of residential developments adjacent to electrical installations of this nature;*
- (m) *NOTES the information contained in the report regarding concerns about current traffic congestion on East Parade and considers this matter in the context of the proposed redevelopment;*
- (n) *that adequate and minimum car parking measures are put in place on-site taking into consideration the future land uses; and*
- (o) *prior to any development commencing on the site, the future use of the Power Station should be determined, and consideration of this use be given to potential future traffic impacts to and from the site."*

Debate ensued.

AMENDMENT CARRIED (9-0)

Moved Cr Ker, Seconded Cr Lake

That clause (ii)(e) be amended and a new clause (ii)(p) be added as follows:

- “(ii) (e) *the potential traffic increase in Joel Terrace and Summers Street needs to be further investigated in liaison with the Town’s Local Area Traffic Management Advisory Group, including making available all traffic studies undertaken for the site;*
- (p) *development of a management plan, in conjunction with the Town, for construction traffic during development of the precinct.”*

Debate ensued.

AMENDMENT CARRIED (9-0)

Moved Cr Chester, Seconded Cr Farrell

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

- “(ii) (o) *prior to any development commencing on the site, the future specific end user of the Power Station should be determined, and consideration of this use be given to potential future traffic impacts to and from the site.”*

AMENDMENT CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.17

That the Council;

- (i) *RECEIVES the report relating to the Draft Masterplan East Perth Power Station Precinct, dated November 2004, as 'Laid on the Table';*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council SUPPORTS IN PRINCIPLE a Re-development of the East Perth Power Station Site and takes into consideration the following:*
 - (a) *the Town has serious concerns with the bulk, scale and density of the development of 'Option One – Urban Gateway Model' and 'Option Two – Urban Garden Model' which are inconsistent with existing adjacent residential communities, adversely affecting their amenity as well as detracting from the cultural heritage significance of the Power Station building;*
 - (b) *that EPRA consult with the Town at all stages in the development of the final Masterplan and on all future implementation stages of the Power Station Precinct;*
 - (c) *with respect to the cultural heritage significance of the Power Station, strong evidence of consideration for the conservation plan and reference to 'The Illustrated Burra Charter: Good Practice for Heritage Places', Australian ICOMOS, 2004 and this evidence should be highlighted in the further development of the Masterplan;*
 - (d) *that EPRA needs to further investigate the extension of Summer Street in terms of its impact on Summer Street and Joel Terrace;*
 - (e) *the potential traffic increase in Joel Terrace and Summers Street needs to be further investigated in liaison with the Town's Local Area Traffic Management Advisory Group, including making available all traffic studies undertaken for the site;*
 - (f) *the Draft Masterplan could have a detrimental affect on the amenity of residents in the Town of Vincent and should be factored into the predicted traffic operation model;*
 - (g) *that adequate and minimum car parking measures are put in place taking into consideration the future land uses;*
 - (h) *that, as the river foreshore, which is eroded with exposed rubble and unstable riverbanks, is integral to the Power Station Precinct, a financial commitment be made to employ an environmental landscaper/s to restore the river banks, utilising Bio-engineering options, to retain and protect native vegetation that is in danger of being lost and that replanting be undertaken with suitable stock obtained from accredited suppliers;*
 - (i) *that a detailed environmental site assessment of the river foreshore area be undertaken prior to any works being undertaken in this area as the area may be contaminated and likely to contain Acid Sulphate Soils;*

- (j) *that EPRA:*
- (1) *attends to landscaping and planting of mature trees with reticulation on Summers Street before the commencement of any further site works, so that the trees can become established in advance of any development, as this will help to ameliorate bulk and scale aspects of buildings on Summers Street and assist in beautifying the street; and*
 - (2) *identifies other areas in the 'Power Station Precinct' for planting in advance of development;*
- (k) *that environmental agencies assess the status of the site for contaminants and prepare a report detailing the remediation process that has occurred to date to ensure that the land is suitable for residential use;*
- (l) *that information about the relocation of the Western Power Switchyard be obtained from Western Power and the State Government, including proposed time frames, and seeks advice from government agencies about the suitability of residential developments adjacent to electrical installations of this nature;*
- (m) *NOTES the information contained in the report regarding concerns about current traffic congestion on East Parade and considers this matter in the context of the proposed redevelopment;*
- (n) *that adequate and minimum car parking measures are put in place on-site taking into consideration the future land uses;*
- (o) *prior to any development commencing on the site, the future specific end user of the Power Station should be determined, and consideration of this use be given to potential future traffic impacts to and from the site; and*
- (p) *development of a management plan, in conjunction with the Town, for construction traffic during development of the precinct.*
- (iii) *OBJECTS to the potential use of the Walters Brook water supply for the Power Station Master Plan. This water source may be required by the Town in future to reticulate Banks Reserve and areas soon to be opened up along the river foreshore from Banks Reserve to Bardon Park; and*
- (iv) *FORWARDS a copy of this report to the EPRA.*

ADDITIONAL INFORMATION:

Landuse

As noted in the Heritage detail of the Agenda Report, the future use of the Power Station should be determined as a matter of urgency. It is paramount that the Draft Masterplan addresses this concern as the use of the Power Station will effectively determine the remaining development of the site.

Bulk Scale and Height

The built form options provided in the Masterplan are not consistent with the adjoining residential areas, and it is considered that the proposed options will adversely affect the amenity of the residential community.

Sustainability Issues

It is considered the relocation or modification and enclosing of the existing switchyard on the site should be progressed as an integral part of the proposal. The existing switchyard provides a very poor visual residential amenity as it is an extensive and unattractive structure.

In addition, noise generated from the facility and the alleged potential health risks associated with such installations located in close proximity to residential areas, may be a major deterrent to would be residents. There is anecdotal evidence that people living in close proximity to such facilities may have a higher risk of developing chronic illnesses.

In addition, the site was previously a contaminated industrial site and was previously rehabilitated. The current status of the contaminants should be considered in the Draft Masterplan report.

The river foreshore area adjacent to the switchyard is eroded, exposing rubble and leaving unstable riverbanks. This area may also be contaminated and likely to contain Acid Sulphate Soils. It is strongly recommended that an Environmental site assessment be undertaken prior to any works being undertaken in this area.

Consideration should be given to utilising Bio-engineering options for restoration of the riverbank and any grading should be at no greater than 1:4. Established native vegetation should be retained and protected and replanting undertaken with suitable stock obtained from accredited suppliers.

The development of this area provides a unique opportunity to develop a sustainable landscape using local tree and shrub species within an inner city location. Use of deciduous trees should be limited and if used should be restricted to areas of parkland rather than streetscape plantings.

Traffic Issues

Traffic Implications if Summer Street Bridge was not constructed including other components

While there are traffic implications associated with the traffic bridge, should the bridge not be constructed as part of the proposal, all traffic from the Power Station Precinct (in accordance with the plan as presented) will access via Summer Street east, Joel Terrace and Bramall Street.

It has been indicated that the construction of the Summers Street bridge is dependent on economic assessment of the 'critical mass' that can be located on the site to justify this expensive component. This and the proposed Graham Farmer Freeway (GFF) footbridge and the traffic signals on East Parade may not be in place for at least four to eight years.

It is considered that this infrastructure should be implemented in advance of large numbers of units being built and a projected population growth of 1270 people.

East Parade

East Parade is a Primary Distributor road in accordance with the Metropolitan Functional Road Hierarchy and is under the care control and management of Main Roads WA (MRWA).

Traffic data on East Parade provided to the Town by MRWA in November 2001 indicated the following:

- East Parade prior to opening (GFF) was 18,290 vehicles per day (vpd)
- East Parade after the opening of GFF is 29,134 vpd

The Draft Masterplan report indicates that the majority of traffic that will access the Power Station Precinct will come from the direction of the GFF (heading north) and access the site via Summer Street and that the remainder will come via East Parade (heading south) and access the site via Bramall Street and Joel Terrace.

This assumes there will be little congestion on East Parade and access via the routes mentioned will be easily achieved.

Recent site observations have indicated that during the peak periods traffic on East Parade banks up for a considerable distance. During the morning peak period, south bound traffic can bank up across the Mount Lawley Subway, into Whatley Crescent and along Guildford Road. During the afternoon peak period, the traffic often banks back to the GFF off ramp.

This traffic congestion on East Parade currently has a negative impact on the residential streets in the Banks Precinct area. With the projected increased traffic to be generated by the Power Station Precinct, extensive 'rat running' through the Town's residential streets may occur as a result of the existing congestion on East Parade.

In addition, the report indicates that it is proposed that traffic will also enter the Power Station Precinct via the new Summer Street Bridge (1,200 vpd) predicted to the Power Station Precinct. This projected figure excludes other vehicles. Given the high cost of constructing the bridge, it is unlikely that it will be constructed in the short to medium term. This will potentially result in additional through traffic in the residential area of the Banks Precinct.

With regard to the long term proposal for East Parade, on 23 September 2003 the Council considered a report titled *East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study Update*, where it was reported that MRWA had completed the *East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study* and were hoping to make the following recommendations to the Minister for Planning and Infrastructure in the near future, following the Council's endorsement:

- *Option 1 be adopted as the long term planning option for the East Parade / Whatley Crescent / Guildford Road intersection and surrounding area.*
- *The MRS be amended along Guildford Road and East Parade to accommodate Option 1.*
- *The surplus land on East Parade and Guildford Road be developed expeditiously and, if this cannot occur, then a short-term clean up and management plan be developed by the relevant agency.*
- *Pedestrian access across East Parade be further actioned, when the likely development for the East Perth Power Station has been decided by the East Perth Redevelopment Authority and the relevant analysis undertaken.*
- *Subject to funding and agreement with the Town of Vincent, it is recommended that the proposed 0.3 metre median strip be installed (in East Parade) to minimise u-turns being undertaken at Gardiner Street and enhance safety.*
- *Main Roads consider installing 'Keep Clear' road markings at the entry and exit points to the Banks Precinct.*

The subsequent Council decision was as follows:

That the Council;

- (ii) *DEFERS its decision until Main Roads WA furnishes the Town with the previously requested documentation for the heritage assessments for the buildings proposed for demolition in East Parade including an archival documented record of the place (with photographs, floor plans and elevations) for the Town's Historical Archive Collection; and*
- (iii) *requests that Main Roads WA:*
- (a) *proceeds as a matter of urgency with the proposed concrete median ('back to back' kerb) in East Parade and it is acknowledged that this proposed concrete median in East Parade will perform the same function as a "seagull" island at the intersection of Gardiner Street and East Parade;*
- (b) *notes that the installation of a pedestrian actuated pedestrian crossing facility on East Parade in the vicinity of the Westrail Centre remains a priority for the Town; and*
- (c) *liaise closely with the Town in regards to the proposed planning and development options for, and disposal of, surplus land in Guildford Road and East Parade resulting from the study; and*

Option 1 was recommended to the Council by the Town's Officers as it was considered this option would result in the best outcome for traffic flow along East Parade. This option would result in the most favourable traffic improvements at the Guildford Road / East Parade intersection. This option included:

- Two straight through lanes (north bound). Current scenario.
- One 120 metres long dedicated left turn lane (west bound). Currently very short and as vehicles bank up on Guildford Road (west of subway) this affects traffic flow on north bound East Parade traffic.
- One 150 metres long dedicated right turn lane. Currently non-existent. This should improve the level of service of the intersection.

In essence, the East Parade north bound approach at Guildford Road will be increased from two (2) traffic lanes to four (4) traffic lanes.

MRWA recently installed an additional right turn slip lane on approach to the GFF, west bound, to reduce queuing in East Parade.

Further, in response to the Town's continued approaches to improve pedestrian and residents' access and safety to the Banks Precinct and when crossing East Parade, MRWA advised that they were planning to install traffic signals, with a pedestrian crossing phase, at the intersection of Westralia Street and East Parade, however, this had been placed on hold due to:

- a reduction in discretionary funding; and
- the future redevelopment of the East Perth Power Station and adjoining land.

With regard to the proposed continuous median in East Parade, from Guildford Road to the start of the dual carriageway, MRWA advised that they were committed to proceeding with the works at the earliest opportunity but that funding had yet to be confirmed.

The Town recently received documentation for the heritage assessments for the buildings proposed for demolition in East Parade, including an archival documented record for the Town's Historical Archive Collection and a report on the matter is currently being prepared.

However, whatever recommendation is adopted by the Council, given the current traffic congestion on East Parade and current access problems faced by Banks Precinct residents, the existing community will still not be able to safely access the East Perth Train Station for possibly another four to eight years.

Transit Oriented Development (TOD)

It is important to note that no transport links are detailed for "reconnecting" of this site to the City and with the Freeway.

BACKGROUND:

The former East Perth Power Station is a derelict and vacant 8.5 hectares site bounded by East Parade, Summers Street, the Swan River and the Graham Farmer Freeway. This site accommodates a power station which ceased operation in 1981.

The Town received documentation dated 9 November 2004 from the EPRA advising of the launch for public comment on the Draft Masterplan for the East Perth Power Station which is located at the above site. The closing date for all submissions to be received is 28 February 2005.

DETAILS:

The vision for the Draft Masterplan East Perth Power Station is to provide Western Australia with a world class civic and cultural facility.

The primary focus of the Masterplan is to:

“Develop the East Perth Power Station precinct into a world class city quarter- an archetype of sustainable inner city regeneration that delivers a major contribution to the social and cultural prosperity of Perth”.

The urban structure of the Draft Masterplan is based on four major planning elements being:

- *“Celebration of a future cultural facility - to be achieved through a possible new grand entry building on the western side of the existing Power Station and a new civic space that creates a forecourt to the cultural facility, opening vistas to the river.*
- *A new Summers street bridge extending over East Parade, providing a dynamic feel to the development and creating an opportunity for a major landmark and gateway structure for the site and the northern entry to the city centre.*
- *A connected street system to support active ground floor uses combined with a connected network of public spaces, a high quality pedestrian environment linking public transport and a road system with good links to the regional road network and adjacent areas.*
- *Creation of three north- south green spines providing access to the middle of the site, maximum sunshine, planting and drainage to the interior of each development site and a strong sense of environmental sustainability.”*

The key features of the Draft Masterplan are based on eight planning principles being:

- *“Building on the setting – its special characteristics, history and linkages to other destinations.*
- *Reconnecting with the city – an integral part of Perth's city heart.*
- *Creating a cultural icon – optimising the role and status of the former Power Station buildings, the river and civic/cultural activities.*
- *Fostering a mixed-use culture and arts precinct – providing for a major cultural facility and opportunities to establish new culture and arts-based activities.*
- *Optimising transit orientated development benefits – the site's proximity to road, rail and future water facilities.*
- *Enhancing heritage qualities – the social and physical heritage qualities are the essence of its character and future redevelopment.*
- *Providing a variety of open spaces – streets, parks, plazas and walkways planned and designed to be memorable and actively used.*
- *Focusing on sustainability – ensuring environmental sensitivity and energy-efficient built form, affordable housing, a variety of cultural uses and economic vitality.”*

Implementation

EPRA have designated the project to being medium to long term, with the redevelopment project carefully planned and phased under the guidance of EPRA.

“The development of the East Perth Power Station precinct will be staged over 10 to 15 years with stabilisation, clean up, security and maintenance of the former Power Station building occurring in 2004-06. Refurbishment and occupation of the former Power Station building could occur during 2006-2007. Development of surrounding land such as earthworks, roadworks and site servicing, the Summers Street Bridge, freeway footbridge and traffic signals will occur during 2008-12. Relocation of the Western Power 66kva switchyards is indicative only, subject to other government approvals and may not occur in the short to medium term.”

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

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:

The Draft Masterplan encompasses an overall urban design approach which critically analyses the requirements and concepts needed to establish a project that enables positive redevelopment of the site as well as aiming to achieve the documents vision. This has included consultation with community organisations including, ‘Claisebrook Catchment Group’ and ‘Banks Precinct Action Group’, which as noted in section 5.2. The project will enable the State to provide a regional, civic cultural and mixed use precinct for the community.

Built form

Section three of the Draft Masterplan takes into consideration the character and form of the existing built form, landscape character, river frontage, major transport corridors and adjoining commercial and residential areas. Section 8.3 summarises the key considerations and issues of the built form. Whilst it is acknowledged that many issues are addressed, the need to protect the significance of the setting of the Power Station, the Town considers that the eight storey designated built forms adjacent to the Graham Farmer Freeway will detract from the setting of the Power Station.

The Draft Masterplan has provided two options for consideration from the resultant preferred Masterplan model 'Option 3 - Mixed Use Development' as follows:

1. Option One – Urban Gateway Model

- *“Buildings above six storeys should have a maximum of six dwellings per floor.*
- *Upper floors between five and eight storeys must be set back at least five metres from the lower façade at the street edge.*
- *Setbacks become more critical with taller buildings. An appropriately designed eight-storey building may still feel comfortable to pedestrians and requires some flexibility with upper floor height setbacks.*
- *Buildings nine storeys and above must be set back at least 10 metres from the street edge façade. Buildings of this height may be appropriate adjacent to the Freeway and East Parade where their scale is in keeping with the expanse and pace of the traffic environment, overshadowing is minimized and high value views are afforded.*
- *Buildings located at corners should serve as gateways distinguishable from the rest of the buildings and should be allowed greater flexibility as long as design elements reinforce the corner location and are pedestrian-friendly. Above five storeys from the corner, buildings should comply with upper level setbacks.*

2. Option Two- Urban Garden Model

- *Buildings along Summers Street and the southern side of the Summers Street bridge should be no greater than four storeys to provide compatibility with the adjacent neighbourhood and minimise overshadowing of open spaces.*
- *Elsewhere, buildings should be five and six storeys at the street edge with the fifth and sixth storeys setback at least five metres.*
- *Buildings up to eight storeys may be appropriate in selected locations adjacent to the Freeway to respond to the scale of the environment and take advantage of the river and city views.*
- *On taller buildings, visual interest along the façade should be maintained through the use of balconies, colour and material changes, varying roof lines and accentuation of building corners.”*

In regard to height, bulk and scale 'Option Two – Urban Garden Model is more considerate in regard to overall height bulk and scale of the site, and in terms of respecting the character of the adjacent areas. Nevertheless, the EPRA re-development area of 'Belvedere' adjacent to Graham Farmer Freeway, consists of heights up to four storeys, and generally heights within the Town north of Summers Street, within the Banks Precinct, consist of 3 storeys. Given this, the EPRA may need to further consider the impact of heights to adjacent areas. The Masterplan notes that future uses include high density residential developments, however there are no specific Residential Design Code densities identified in the Masterplan stage.

Heritage

The Draft Masterplan notes that the East Perth Power Station is recognised as having high cultural heritage significance, with the Power Station being listed on the State Register of Heritage Places. The Draft Masterplan provides detail on the cultural heritage significance of the power station, however is limited in description on the intention of the building. It is noted that the Draft Masterplan provides broad future uses of the redevelopment site, including the designation of 'major cultural use' for the Power Station. However, this may impede on the heritage integrity of the former Power Station, and it is imperative that future plans and use on this particular component take into consideration the conservation of the Power Station which should be given priority if EPRA is to achieve world status of the site.

To maintain the landmark status of the Power Station, the surrounding development must ensure that its significance and aesthetic value is taken into consideration, ensuring the visual setting of the building is not prejudiced. Section 13.2 of the Draft Masterplan relates to conservation, expressing that urban design and conservation considerations of the site have been taken into account. Whilst it is appreciated that the Masterplan has noted such concepts, EPRA must note that the definition of the article 8 and 22 of the Burra Charter 1999 have been updated, and need to be further considered in the preparation of the final Masterplan. The Illustrated Burra Charter: good practice for heritage places, Australian ICOMOS, 2004, Article 8 – Setting, states “*Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.*”, whilst Article 22 - New Work, notes, “*New work such as additional to the place may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.*” Evidence that these critical guidelines have been considered by EPRA should be shown in the further development of the Masterplan.

TrafficMatters

Summer Street Bridge

There are concerns regarding the predicted increased traffic in Summer Street east of Lord Street should the proposed traffic bridge be constructed.

Summer Street is classified as an access road and is currently a 'No Through' road. The proposed road bridge will provide a link to the eastern side of East Parade. The consultants are predicting a 20 per cent increase in traffic (from 1,500 vehicles per day (vpd) to approximately 2,700 vpd) to be generated by the Power Station precinct in the above street.

Additional Lord and Bulwer Streets traffic will more than likely also use the Summer Street extension (bridge) to access either East Parade or Joel Terrace. This additional traffic does not appear to have been factored into the increased traffic calculations and could potentially increase the traffic in Summer Street to over 3,000 vpd. Residents in Summer Street would need to be fully consulted regarding the potential increase in traffic in their street.

The Town would not be in favour of reclassifying Summer Street to a Local Distributor and would not be responsible for implementing traffic management measures to ensure the traffic remains at acceptable levels should the extension proceed.

Implications of traffic signals at Bramall Street / East Parade

For some time the Town has been requesting a safe crossing point for pedestrians on East Parade. The proposed traffic signals at the above location will provide this however, it may also potentially increase the traffic along Joel Terrace. The consultants are predicting an increase in traffic in Joel Terrace north of Summer Street of approximately 300 vpd (5 per cent increase).

The consultants have indicated that:

“Local Area Traffic Management works have been undertaken on Joel Terrace to discourage through traffic from using the section of Joel Terrace to the north of Bramall Street, it is proposed that an entry statement be constructed at the intersection of Joel Terrace and Bramall Street. This would clearly delineate Bramall Street as the access route between the Precinct and East Parade and the section of Joel Terrace north of Bramall Street as a local access street. The Draft Master Plan shows a suggested road treatment with details of the final treatment to be discussed with the Town of Vincent prior to implementation.”

The consultant considers that traffic volumes on the section of Joel Terrace north of Bramall Terrace will be "very low" and have indicated that 33 per cent of traffic to the Power Station Precinct would use Joel Terrace north of Bramall Street.

Joel Terrace north of Summer Street currently has an average traffic volume of 1,600 vpd.

The consultants have estimated that there will be a 5 per cent increase (approximately 300 vpd) as a result of the Power Station Precinct.

The consultants have not taken into account the potential "rat running" resulting from the traffic signals at Bramall Street/East Parade, where, it is assumed, there will be a dedicated right turn into Bramall Street. This could potentially increase the traffic in Joel Terrace (north of Bramall Street) by well over 5%.

In addition, it is considered that traffic from the Power Station Precinct should be banned from entering Joel Terrace. This could easily be achieved by extending the nib on the north west corner of the proposed roundabout to restrict north bound traffic and right turn from Summer Street into Joel Terrace.

Traffic Implications if Summer Street Bridge was not constructed

While there are traffic implications associated with the traffic bridge, should the bridge not be constructed as part of the proposal, all traffic from the Power Station Precinct (in accordance with the plan as presented) will access via Summer Street east, Joel Terrace and Bramall Street.

Public Transport

It is noted that the reintroduction of bus route 24 along Joel Terrace will be investigated. It is also noted that, in the longer term, the viability of operating a commuter ferry service will be investigated. Parking will be an issue should this proceed.

Parking

Given that the residential densities are not stipulated, the Town is concerned that inadequate and minimum car parking measures are put in place taking into consideration the number of future residents and that of future external users. Additionally, given that the proposed land uses are more intensive in nature than the existing land use, concern is raised that overflow parking will spill into adjoining residential areas of the Town.

Banks Reserve

Banks Reserve, located within the Town of Vincent is currently reticulated utilising two groundwater bores. Initially, it was thought that due to a lack of available groundwater in the area, that Walters Brook would possibly have to be dammed (subject to Water Corporation approval) and the water if of sufficient quantity/quality would then used to reticulate Banks Reserve.

Whilst the reticulation system at Banks Reserve has been in operation for up to 5 years, recent investigations in association with River foreshore works have indicated that there is a high likelihood that acid sulphate soils will be located in the area and the use of groundwater for reticulation purposes will have to be terminated.

In view of the above, it would not be prudent for the Town to allow the potential use of the Walters Brook water supply for EPRA's Power Station Masterplan. This water source maybe required by the Town in future to reticulate Banks Reserve and areas soon to be opened up along the river foreshore to Bardon Park.

In respect of EPRA's proposal to utilise water from Walter's Brook, of historical interest is the existence of a hitherto unknown, 300 millimetres diameter (12 inch) earthenware drainage pipe linking Walter's Brook to the Power Station. The pipe originates at a weir manhole within Water Corporation drainage easement approximately 50 metres upstream of the (Walters Brook) outlet headwall. While it is now completely silted up, it is believed to run diagonally across Joel Terrace to the north eastern corner of the residential property abutting Banks Reserve southern boundary. From there it crosses through Western Power's switch yard into the basement of the old Power Station. Water continues to flow from the pipe but this is thought to be ground water that has infiltrated the corroded joints rather than water from Walter's Brook. The water was originally diverted to supply the Walter's Brook pump house within the Power Station but there is also archival evidence to suggest that it was also used to replenish railway steam engines.

Open Space

Public open space is provided adjacent to the Swan River foreshore and centrally within the site. The landscaping plan denotes that the Swan River frontage will encompass renewal and regeneration of natural local habitats, including the freeway interface being planted with indigenous species common to the Swan River. Adjacent to the foreshore, the Power Station Precinct will be provided with a grand forecourt of trees and landscaping to provide space for large groups of people. Internally further open space is provided. A heritage rose garden is also proposed to be located adjacent to Summers Street, capturing the historical garden originally created by the workers and additionally a central plaza will be created and adjoining pavements with axial planting to define the grand forecourt space. It is considered that the aim of the landscape plan is functional in linking open spaces with the proposed structures and the existing Power Station, therefore providing external and internal users of the site useable open space. The proposed ferry node will provide a opportunity for alternative public transport access to the above site.

Transit Oriented Development (TOD)

TOD is described as development that combines walkable access to public transport with a vibrant mixture of urban life, including shopping, entertainment, recreation, business and community facilities. The Draft Masterplan has identified within Section 4, issues and opportunities addressing the above concepts, and in regard to TOD the following opportunity was identified: "*Opportunity to create new links to the previous TOD study, reinforcing the aims and creating a major new node based around the East Perth Railway Station.*" Additionally, Section 9.5.5 states, "*The Precinct's TOD context should be respected and strengthened through the provision of land uses that both support transit and gain the most benefit from good access to transit modes.*"

Implementation

As noted above, the implementation of the overall project is intended to be staged over a 10-15 year period. The importance of delivering a staged implementation should be highlighted by EPRA in further developing plans associated with aspects from the Masterplan, as well as providing additional consultation sought from all stakeholders.

Conclusion

In light of the above, it is recommended that Council adopt the above Officers Recommendation accordingly.

10.1.12 No. 55 (Lot 57) Paddington Street, North Perth - Proposed Two-Storey Additions to Existing Single House

Ward:	North	Date:	15 February 2005
Precinct:	North Perth; P8	File Ref:	PRO2970; 00/33/2524
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Addstyle Constructions on behalf of the owner C & P Hood for proposed Two-Storey Additions to Existing Single House, at No. 55 (Lot 57) Paddington Street, North Perth, and as shown on plans stamp-dated 13 October 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the building height and setback requirements of the Residential Design Codes.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Cr Torre departed the Chamber at 8.13pm.

Debate ensued.

LOST (2-6)

For

Cr Doran-Wu
Cr Farrell

Against

Mayor Catania
Cr Chester
Cr Cohen
Cr Franchina
Cr Ker
Cr Lake
Cr Torre

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

Reasons:

1. Constraints of the existing dwelling, including ceiling height and foundations.
2. Slope across the site.

AMENDED RECOMMENDATION:

Moved Cr Ker, Seconded Cr Lake

That the following alternative recommendation be adopted.

"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 Addstyle Constructions on behalf of the owner C & P Hood for proposed Two-Storey Additions to Existing Single House, at No. 55 (Lot 57) Paddington Street, North Perth, and as shown on plans stamp-dated 13 October 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Paddington Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating;*
 - (a) the south elevation of the balcony on first floor level, for two metres from the eastern side of the balcony, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
 - (b) western wall height being reduced to 6.5 metres.*

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

- (iv) 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 Paddington Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer."

Debate ensued.

Cr Torre returned to the Chamber at 8.17pm.

CARRIED (8-1)

For
Mayor Catania
Cr Chester
Cr Cohen
Cr Farrell
Cr Franchina
Cr Ker
Cr Lake
Cr Torre

Against
Cr Doran-Wu

AMENDED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks			
West (upper floor)	3.3 metres	2.45 metres	Supported - there are no major openings, the variation is considered minor and no objections were received.
East (upper floor)	3.8 metres	1.95 metres	Supported - there are no major openings, the variation is considered minor and no objections were received.
Building Height	Top of external wall 6 metres	Top of external wall 7.3 metres <u>6.7 metres - 7 metres</u> -	Not supported - as the proposed second storey addition could be reduced to have a ceiling height of 2.4 metres. The building height variation is considered excessive and would negatively impact on the streetscape and amenity.
<u>Privacy</u>			
<u>West (Balcony)</u>	<u>7.5 metres</u>	<u>3.6 metres</u>	<u>Supported - neighbour has stated no objection.</u>
<u>East (Balcony)</u>	<u>7.5 metres</u>	<u>5.6 metres</u>	<u>Not support - variation is considered to unduly impact on neighbour.</u>

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

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves two-storey additions to an existing single house. The applicants submission suggests that the two-storey additions should be supported as neighbouring houses have similar heights, that the additions will not overshadow any neighbouring properties, that the height of the proposed second storey ceiling is in keeping with the character of the existing residence and that the proposed second storey is set back 15.6 metres from the front boundary and will therefore have minimal impact on the streetscape.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks			
West (upper floor)	3.3 metres	2.45 metres	Supported - there are no major openings, the variation is considered minor and no objections were received.
East (upper floor)	3.8 metres	1.95 metres	Supported - there are no major openings, the variation is considered minor and no objections were received.
Building Height	Top of external wall 6 metres	Top of external wall 7.3 metres	Not supported - as the proposed second storey addition could be reduced to have a ceiling height of 2.4 metres. The building height variation is considered excessive and would negatively impact on the streetscape and amenity.

Consultation Submissions		
Support (1)	<ul style="list-style-type: none"> • In favour of development 	Noted
Objection	Nil	Nil
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

COMMENTS:

The proposal involves two-storey additions to an existing single house. One submission from the owners of No. 57 Paddington Street was received in support of the application.

The reasons given in the applicant's submission have been taken into consideration, however the variation to the wall height is not supported as the proposed second storey addition could be reduced to be compliant.

The proposal does not comply with the setbacks and building height requirements of the Residential Design Codes (R Codes) and is considered to unduly impact on the streetscape and amenity. The proposal is not supported on the above basis.

10.2.1 Proposed Streetscape Upgrade - William Street, Brisbane Street to Newcastle Street, Perth

Ward:	South	Date:	15 February 2005
Precinct:	Beaufort P13	File Ref:	TES0473
Attachments:	001:		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Proposed William Street Streetscape Upgrade - Brisbane to Newcastle Streets, Perth;*
- (ii) *ADOPTS IN PRINCIPLE the proposal as outlined on attached plan No 2330-CP-1 and attachments 10.2.1A to F, estimated to cost in the order of \$1,000,000;*
- (iii) *CONSULTS with the following to develop appropriate artwork to compliment the streetscape upgrade:*
 - (a) *The Perth Mosque (to develop appropriate artwork that celebrates its establishment by Afghan camel herders); and*
 - (b) *Chinese, Vietnamese, Indonesian, Malay, Thai, Korean, Indian (and any other relevant ethnic group) businesses as well as original Italian traders;*
- (iv) *WRITES to the East Perth Redevelopment Authority requesting they formally comment on the Town's Streetscape upgrade proposal for William Street as part of the proposed community consultation and their comments be considered in a further report to the Council at the conclusion of the consultation period;*
- (v) *CONSULTS with business proprietors/owners and residents in the project area and the Town's precinct Groups, giving them 21 days to provide comments regarding the overall Streetscape upgrade proposal;*
- (vi) *ADVISES the Department of Planning and Infrastructure that Cr Ian Ker, chairman of the Town's Local Area Traffic Management Advisory Group, and the Town's Executive Manager Technical Services, be nominated for the Metro Centre Committee Transport Planning Group;*
- (vii) *NOTES the commitment by the Gallop State Labor Government to contribute \$250,000 to the Streetscape upgrade proposal should they be re-elected;*
- (viii) *NOTES also that should the State funding not become available, the scope of the project would need to be 'scaled down' should no additional funding be made available prior to the implementation of the project; and*
- (ix) *RECEIVES a further report on the matter once the matters as outlined in clauses (iii), (iv), (v) and (viii) above have been further addressed.*

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted subject to clause (iii)(b) being amended to read as follows:

“(iii) (b) *Chinese, Vietnamese, Indonesian, Malay, Thai, Korean, Indian (and any other relevant ethnic group) businesses as well as ~~original Italian traders~~ ethnic groups representing previous traders;*

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

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

“(ii) **ADOPTS IN PRINCIPLE** the:

(a) *proposal as outlined on attached plan No 2330-CP-1 and attachments 10.2.1A to F, estimated to cost in the order of \$1,000,000; and*

(b) *project area being referred to as ‘William Street’ and it be a dynamic place that celebrates present, past and future diversities of culture;”*

AMENDMENT CARRIED (7-2)

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

Debate ensued.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.1

That the Council;

(i) *RECEIVES the report on the Proposed William Street Streetscape Upgrade - Brisbane to Newcastle Streets, Perth;*

(ii) **ADOPTS IN PRINCIPLE** the:

(a) *proposal as outlined on attached plan No 2330-CP-1 and attachments 10.2.1A to F, estimated to cost in the order of \$1,000,000; and*

(b) *project area being referred to as ‘William Street’ and it be a dynamic place that celebrates present, past and future diversities of culture;*

- (iii) *CONSULTS with the following to develop appropriate artwork to compliment the streetscape upgrade:*
- (a) *The Perth Mosque (to develop appropriate artwork that celebrates its establishment by Afghan camel herders); and*
- (b) *Chinese, Vietnamese, Indonesian, Malay, Thai, Korean, Indian (and any other relevant ethnic group) businesses as well as ethnic groups representing previous traders;*
- (iv) *WRITES to the East Perth Redevelopment Authority requesting they formally comment on the Town's Streetscape upgrade proposal for William Street as part of the proposed community consultation and their comments be considered in a further report to the Council at the conclusion of the consultation period;*
- (v) *CONSULTS with business proprietors/owners and residents in the project area and the Town's precinct Groups, giving them 21 days to provide comments regarding the overall Streetscape upgrade proposal;*
- (vi) *ADVISES the Department of Planning and Infrastructure that Cr Ian Ker, chairman of the Town's Local Area Traffic Management Advisory Group, and the Town's Executive Manager Technical Services, be nominated for the Metro Centre Committee Transport Planning Group;*
- (vii) *NOTES the commitment by the Gallop State Labor Government to contribute \$250,000 to the Streetscape upgrade proposal should they be re-elected;*
- (viii) *NOTES also that should the State funding not become available, the scope of the project would need to be 'scaled down' should no additional funding be made available prior to the implementation of the project; and*
- (ix) *RECEIVES a further report on the matter once the matters as outlined in clauses (iii), (iv), (v) and (viii) above have been further addressed.*

ADDITIONAL INFORMATION:

On 19 November 2004 at 4.00 pm, the Mayor, Nick Catania, the Chief Executive Officer, John Giorgi, and the Executive Manager Technical Services, Rick Lotznicher, met with the Minister for Energy, Hon Eric Ripper, Chief of Staff, Michael Megaw, and Policy Adviser for Energy, Graham Eley.

At the meeting the Mayor requested a contribution from the State Government towards the William Street undergrounding of power.

The many positive aspects of the proposed upgrade were discussed and the Minister and his staff were very receptive to the Mayor's request.

At the meeting, the Chief Executive Officer presented a letter to the Minister, where some of the following matters were discussed:

- Council's Upgrade Proposal
- Planning Considerations
- Government Report
- Estimated Costs

- Funding
- Project History/Previous Applications

The Minister was finally requested to consider the Council's request, as a "whole of government" approach to this part of the city, which is urgently required to be upgraded.

On 9 February 2004, the Government announced that if re-elected they would pledge \$250,000 towards the proposed William Street upgrade.

BACKGROUND:

Overview

The Council has been considering the upgrade of William Street, between Brisbane and Newcastle Streets, since 1998.

This part of Perth, which is characterised by strip retail, commercial and restaurant development and forms a primary access to the Perth Central Business District and the Northbridge Entertainment and Cultural Precinct, is degraded and in need of urgent upgrade.

The locality is continuing to undergo a cultural metamorphosis driven largely by the expanding Asian community who live and work in the area. This is illustrated by the number of Asian restaurants, supermarket and entertainment venues in the immediate vicinity. A dominant building in the area is the Perth Mosque, an imposing structure built around the turn of the century, located on the corner of William Street and Robinson Avenue. It is listed in the Town's MHI as a building of significance.

The immediate area surrounding William Street comprises two (2) large 3/4 star tourist hotels and four (4) back packers lodges which accommodate many local, interstate and international short stay visitors, whose first impression of Perth is "William Street".

Ordinary Meeting of Council held on 20 December 1999

A report on streetscape improvements for William Street between Brisbane and Newcastle Streets was presented to Council, where the Council approved in principle the upgrading of William Street with an "Asian" theme.

Project History/Previous Applications

The Town made several applications for government assistance in bringing this project to fruition as follows:

- Oct 1999 Submission to the Office of Energy for Local Enhancement
- Dec 1999 Initial consultation with stakeholders
- Mar 2000 Public meeting
- May 2000 Grant application submitted to Ministry for Tourism - unsuccessful
- May 2000 Office of Energy advised submission for Local Enhancement underground Power Project was unsuccessful.
- Oct 2000 Council defers project due to funding constraints and decided to refer to the project as "Asia Town" not "Little Asia".
- Feb 2002 Funding submission for Federal Funding Regional Assistance Program - 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 Power Project Expression of Interest (value \$175,000) - unsuccessful.

DETAILS:

William St is classified as a District Distributor (A) within the metropolitan regional road hierarchy and carries in excess of 15,000 vehicles daily including 13 Transperth bus routes.

In addition, the City Explorer Tram Service, which forms part of the circuit that includes the Casino, Kings Park and the major city hotels has a pickup and set down facility in William Street.

The existing overhead power lines form a visual barrier, particularly where they detract from or obscure the facade of a number of the heritage buildings.

East Perth Redevelopment Authority

In the past the Town's officers have liaised with the East Perth Redevelopment Authority (EPRA), who is responsible for approximately 150 metres of William Street, immediately north of Newcastle Street and they are supportive of the proposed upgrade. The City of Perth has shown little interest in this matter.

Officer Comments

It is recommended that the Council writes to EPRA requesting they formally comment on the Town's current Streetscape upgrade proposal for William Street and their comments be considered in a further report to be presented to the Council at the conclusion of the consultation period.

Metro Centre Committee – Transport Planning Group

The Department of Planning and Infrastructure (DPI) and the Western Australian Planning Commission (WAPC) are currently also considering the future of William Street (William Street extends beyond the Town of Vincent south into the City of Perth) and the WAPC's William Street forum has been meeting since mid-2004 to examine possibilities for the central city.

At a forum held on 26 November 2004, the "New Metro Centre" concept was presented as a possible unification of the interrelated projects along or adjacent to the rail alignment.

The projects presented at the forum were seen as the emergence of a new cultural axis in the city from Northbridge to the river and as the revival of William Street as the city's primary north-south street.

The DPI wrote to the Town on 7 February 2005 advising that a committee will soon be established to carry out several traffic planning and modelling tasks, in preparation for a more detailed assessment of possible redevelopment scenarios for the New Metro Centre.

The William Street Transport Group, as it is intended to be called, will comprise representatives of DPI, Main Roads WA, City of Perth, Town of Vincent, EPRA, the public Transport Authority and a consultant. The proposed function of the group will be to provide the technical transport input required to assess the New Metro Centre scenarios, as well as any other major projects affecting traffic within the city centre including:

- agree traffic modelling methodologies;
- agree the required scope of traffic modelling;
- agree and manage technical data input requirements for the agreed model;
- evaluate the transport model outputs;
- provide advice on the transport implications of the various scenarios based on the model outputs.

It is envisaged the initial work would commence soon with a view to completing initial tasks in approximately a three-month timeframe. The group will refine a project plan and agreed set of outcomes at its first meeting.

Officer Comments

DPI have requested that the Town provide a nominee to represent it on the New Metro Centre Committee - Transport Planning Group. It is recommended that the Council advise DPI that Cr Ian Ker, Chairman of the Town's Local Area Traffic Management Advisory Group and the Town's Executive Manager Technical Services be nominated for the group.

William Street - Brisbane Street to Newcastle Street - Streetscape Upgrade proposal

As previously mentioned, William St between Brisbane and Newcastle Streets, is classified as a District Distributor (A) within the metropolitan functional road hierarchy and carries in excess of 15,000 vehicles per day.

Existing

Other statistics for the section of William Street under consideration are as follows:

- Length 415 metres
- One way traffic flow north to south
- Morning clearway (am) both sides.
- Ticket parking
- 20.0 metre road reserve
- 13.6 metres wide carriageway
- 4 x 3.4 metre wide traffic lanes
- 2 x 2.4 metre wide kerb side parking
- 2 x 3.2 metre wide paved verges (slab paths)
- Overhead power east side with laterals and wooden poles east and west side of street
- 2 x intersecting roads east side (Robinson Avenue and Monger Street) and 2 x intersecting roads west side (Robinson Avenue and Forbes Road)

Proposed

The proposed streetscape upgrade works will incorporate an Asian and multicultural theme with flexibility in design so that multiple cultures can be recognised with none overbearing.

The draft proposal is shown on the attached Plan No 2330-CP-1 and will include:

- Undergrounding of overhead power lines
- Installation of decorative street lighting from the Western Power Decorative range (single outreach 10.5 metres in height - refer 10.2.1A)
- Street trees - Trees (Ulmus parvifolia) Chinese Elm (refer 10.2.1B)
- Shrubs (Liriope gigantea) Giant Liriope
- Retention of the existing tram pole outside the old tramways building on the north west corner of William and Newcastle on the William St frontage (refer 10.2.1C).

- A bold delineation of the shoreline or high water mark of the former Lake Thompson across the road reserve including road and footpath with a differential, textured paving material, at least one metre wide, will snake across the footpath and road to remind people the area was the Lakes district two hundred years ago (refer 10.2.1D and E)
- Removal of old slab footpaths and replacement with brick paving. Red pavers with charcoal header course/s and appropriate decorative features, e.g. a metal etching of one of Perth's old trams in the footpath
- Replacement of existing precast kerbing with new insitu laid kerb
- Flush nibs at intersections (flush kerbing/patterned paved concrete)
- In ground reticulation connected to existing bore
- Street furniture - litter bins, seats, safety fencing
- Entry Artwork Statement / banding across carriageway
- Artwork feature in consultation with the Perth Mosque to celebrate its establishment by Afghan camel herders. (refer 10.2.1F)
- Multicultural artwork / motifs in the new paving

Future possible 'two way' road system

As mentioned above, the DPI is planning to establish a Metro Centre Committee – Transport Planning Group to investigate possible options to revert William Street and associated roads (Beaufort and Brisbane Streets) to 'two way' roads. Should this proposal come to fruition in the future, a central median with strategically placed islands may be desirable along William Street and centrally planted trees, banner poles, etc could be implemented as part of this proposal.

To enable a central median (minimum width 1.20 metres) to be implemented (in the future), a minimum carriageway width of 14.0 metres would be required. The existing carriageway width on William Street is 13.60 metres. Therefore, to achieve the desirable width, the road would need to be widened by 0.3 metres on either side.

While it would be desirable to widen the carriageway as part of the current proposal, several existing 'substantial' awning structures would need to be modified to achieve this. The estimated cost to modify these awning structures would be in excess of \$60,000 and is beyond the scope of the current project.

Should the road revert to 'two way' in the future, the existing 'one way' section of Beaufort Street will also become 'two way' and there may be scope to *possibly* reduce one or other of the roads to 'two way single lane roads' and provide a wider median with permanent embayed parking.

The estimated cost of this work would be as follows:

Future scenario 1:

'Two way' with single lanes and permanent embayed

Remove kerbing, Install new Nibs	\$28,000
Red Asphalt Paving embayed parking	\$39,000
Install central median	\$35,000
Central Trees, banners etc	\$20,000
Drainage adjustments, misc, Traffic Control	\$18,000
Total	\$140,000

Alternatively the road could be widened and the awnings modified.

The total estimated cost of the future widening and awning modifications and median islands would be as follows:

Future scenario 2:

'Two way' with narrower central median, widened with modified awnings

Remove kerbing, box out lay new kerbing	\$30,000
Reinstate Road, Brickpaving	\$13,000
Modify Awning structures	\$60,000
Install central median	\$22,000
Central Trees, banners etc	\$20,000
Drainage adjustments, misc, Traffic Control	\$18,000
Total	\$163,000

Planning Considerations

The upgrade proposal will enrich the history, diversity and vibrancy of the Town. Its vision and guiding principles will be entrenched into the planning process through the strategic planning tool of a Place Development Strategy. This Place Development Strategy will be translated into statutory planning documents (development plan, detailed development plan, development contribution plan, polices, etc). Development and infrastructure will in turn deliver this vision and associated strategies and initiatives on the ground.

CONSULTATION/ADVERTISING:

It is recommended that consultation be carried out with the following to develop appropriate artwork to compliment the streetscape upgrade:

- (a) The Perth Mosque (to develop appropriate artwork that celebrates its establishment by Afghan camel herders);
- (b) Chinese, Vietnamese, Indonesian, Malay, Thai and Indian businesses as well as original Italian traders;

It is also recommended that the Council writes to EPRA requesting they formally comment on the Town's Streetscape upgrade proposal for William Street and consult with all business proprietors/owners and residents in the project area and the Town's Precinct Groups, giving them 21 days to provide comments regarding the overall Streetscape upgrade proposal;

LEGAL/POLICY:

Nil.

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:

Current Funding Scenario/s

Council Funding

The Council has allocated \$750,000 for the Streetscape upgrade proposal in the 2004/2005 budget. A recent application to the Office of Energy for \$175,000 was unsuccessful

Possible State Government Funding

The State Government (*if the Gallop Government is re-elected*) has pledged \$250,000 to enable the Streetscape project to commence prior to June 2005.

Should this funding be made available, the project would be funded 75% Town and 25% State. A recent media release stated (in part)

“the commitment of the Gallop Government recognises that this precinct is an important cultural thoroughfare hosting many Chinese speaking businesses and also Perth's main mosque, Vietnamese temple, Indonesian, Malay, Thai and Indian businesses as well as original Italian traders.”

Estimated Costs

The Streetscape upgrade works as outlined on Plan No 2330-CP-1 have been estimated to cost \$1m as outlined in column A below.

Without state funding, the standard of the upgrade would be reduced (column B) i.e. plainer footpaths, no art features, reduced landscaping standard etc

Item	A	B
	With State funding	Without State Funding
Underground power/decorative lighting*	\$485,000	\$485,000
Upgrade footpaths	\$175,000	\$150,000
Flush nibs	\$25,000	nil
Road works - asphalt banding	\$20,000	nil
Road works - Delineation of former wetland	\$12,000	nil
Kerbing	\$30,000	\$30,000
Line marking/signage	\$6,000	nil
Landscaping	\$30,000	\$15,000
Reticulation	\$45,000	\$35,000
Entry Statement	\$20,000	nil
Street Furniture	\$27,000	\$15,000
Safety fencing	\$30,000	nil
Art works	\$65,000	nil
Traffic Control / Services / Supervision	\$30,000	\$20,000
Total	\$1,000,000	\$750,000

Note*: Western Power is currently updating their quotation for the undergrounding of power and provision of decorative street lights. Once this has been received, the estimated cost may vary up or down. The current estimated amount includes Western Power's cost, the cost to connect all existing properties with an underground supply (Town to arrange) and reinstatement costs (Town to arrange). The Town's officers are also obtaining quotations for providing connections to existing properties.

COMMENTS:

The streetscape upgrade of William Street is long overdue. The infrastructure is rundown and the area looks neglected. An opportunity now exists to put this section of William Street 'on the map' as a business and entertainment hub for the area.

A revised quotation is being obtained from Western Power and the State Government, if re-elected, has committed to contributory funding for the proposal.

It is therefore recommended that the Council adopts in principle the proposal as outlined on attached plan No 2330-CP-1, consults with the various stakeholders including EPRA, and receives a further report on the matter at the conclusion of the consultation with all parties as outlined in the report

10.1.13 No. 10 (Lot 102) Fleet Street, Leederville - Proposed Two-Storey Single House

Ward:	South	Date:	16 February 2005
Precinct:	Leederville; P3	File Ref:	PRO2884; 00/33/2367
Attachments:	001		
Reporting Officer(s):	R Rasiah		
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 REFUSES the application submitted by DF Lebeck on behalf of the owner DF Lebeck & GA Gentile for proposed Two-Storey Single House, at No. 10 (Lot 102) Fleet Street, Leederville, and as shown on amended plans stamp-dated 1 February 2005 (site plan, floor plans, street frontage elevation) and amended plans stamp-dated 15 February 2005 (side elevations and overshadowing plan), for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the setbacks, outdoor living area, crossover width, fencing, wall on boundary requirements of the Residential Design Codes, and the Town's Policies relating to Street Setbacks, Street Walls and Fences, respectively; and*
- (iii) consideration of the objections received.*

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

**Cr Doran-Wu departed the Chamber at 8.40pm.
Journalist Mark Fletcher left the meeting at 8.40pm.**

Debate ensued.

LOST (1-7)

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

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

Reasons:

1. Constraints of the sewer easement on the block.
2. Consistent with the orderly and proper planning.
3. Preservation of the amenity of the locality.
4. Consistent with existing side setbacks of the house on the corner of Fleet and Bourke Streets.

ALTERNATIVE RECOMMENDATION:

Moved Cr Ker, Seconded Cr Lake

That the following alternative recommendation be adopted:

“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 DF Lebeck on behalf of the owner DF & GA Lebeck & Gentile for proposed Two-Storey Single House, at No. 10 (Lot 102) Fleet Street, Leederville, and as shown on amended plans stamp-dated 1 February 2005 (site plan, floor plans, street frontage elevation) and amended plans stamp-dated 15 February 2005 (side elevations and overshadowing plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 8 Fleet Street and No. 49 Bourke 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. 8 Fleet Street and No. 49 Bourke Street in a good and clean condition;*
- (iii) a detailed landscaping plan, including a list of plant species and the landscaping and reticulation of the Fleet 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*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the garage being setback a minimum of 4.0 metres from the Fleet Street boundary; and*
 - (b) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the road reserve boundary, and the open car bay.*

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

to the satisfaction of the Chief Executive Officer.”

Debate ensued.

**Cr Doran-Wu returned to the Chamber at 8.42pm.
Cr Farrell departed the Chamber at 8.42pm.**

Cr Farrell returned to the Chamber at 8.44pm.

Cr Franchina departed the Chamber at 8.47pm.
Journalist Matt Zis left the meeting at 8.47pm.

Moved Cr Lake, Seconded Cr Chester

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

"(v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Fleet Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of the wall/fence may be increased to a maximum height of 1.8 metres for a maximum length of 3.0 metres from the northern boundary;"

Debate ensued.

AMENDMENT CARRIED (6-2)

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

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

Moved Cr Cohen, Seconded Cr

That clause (iv) be amended as follows:

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

- (a) the garage being setback a minimum of 4.0 metres from the front Fleet Street boundary; OR alternatively, the garage being deleted in lieu of a carport which shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*
- (b) the parapet wall on the southern boundary being deleted; and*
- (bc) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the road reserve boundary and the open car bay.*

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 LAPSED FOR WANT OF A SECONDER

Cr Franchina returned to the Chamber at 8.55pm.

Moved Cr Chester, Seconded Cr Farrell

That a new clause (iii)(c) be added as follows:

“(iii) (c) the parapet wall on the northern boundary being reduced to 3 metres average;”

AMENDMENT CARRIED (5-4)

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

Debate ensued.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.13

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by DF Lebeck on behalf of the owner DF & GA Lebeck & Gentile for proposed Two-Storey Single House, at No. 10 (Lot 102) Fleet Street, Leederville, and as shown on amended plans stamp-dated 1 February 2005 (site plan, floor plans, street frontage elevation) and amended plans stamp-dated 15 February 2005 (side elevations and overshadowing plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 8 Fleet Street and No. 49 Bourke 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. 8 Fleet Street and No. 49 Bourke Street in a good and clean condition;*
- (iii) a detailed landscaping plan, including a list of plant species and the landscaping and reticulation of the Fleet 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*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the garage being setback a minimum of 4.0 metres from the Fleet Street boundary;*
 - (b) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the road reserve boundary, and the open car bay; and*

(c) *the parapet wall on the northern boundary being reduced to 3 metres average;*

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

(v) *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 Fleet Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of the wall/fence may be increased to a maximum height of 1.8 metres for a maximum length of 3.0 metres from the northern boundary;*

to the satisfaction of the Chief Executive Officer.

Landowner:	DF & GA Lebeck & Gentile
Applicant:	DF Lebeck
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Vacant Lot
Use Class:	Single House
Use Classification:	"P"
Lot Area:	254 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a two storey single house on a vacant lot. The applicant/owner has advised that the 3 metres setback (instead of the required 6 metres) to the upper level is justified by the location of the Water Authority sewer easement and 12 metres block depth. The applicant requires part of the front fence to be solid to a height of 1.8 metres so to provide screening to the clothes drying area and services. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: West(Front)- First floor	6 metres	3 metres	Not supported - as the lot is vacant and there is opportunity for compliance. It is also considered that the bulk and scale would have and adverse impact on the streetscape.

East (Rear)- Ground Floor	1.5 metres	1 to 3.2 metres	Supported - as the setback is unlikely to impact adversely on the adjoining property.
East (Rear)- First Floor	1.5 metres	1.1 metres	Supported - as the setback is unlikely to impact adversely on the adjoining property. There are no major openings on the east elevation.
North(Side)- Boundary wall	3.5 metres with an average of 3 metres	3.4 metres and does not average the 3 metres	Not supported - as the lot is vacant and there is opportunity for compliance, to reduce the impact of bulk and scale.
North (side) 1 First floor	1.2 metres	1.1 metres	Supported - as the setback is unlikely to adversely impact on the adjoining property. The major opening on the north elevation has obscure windows preventing any potential overlooking.
Outdoor living area	Minimum dimension of 4 metres	Dimension 3.2 metres	Not supported - as the lot is vacant and there is opportunity for compliance.
Fill	0.5 metre	0.58 metre	Supported - as privacy aspects have been complied with.
Non-Compliant Requirements			
Front fence	Solid portion of fence to be a maximum of 1.2 metres and the upper portion being visually permeable with a minimum 50 per cent transparency to a height of 1.8 metres.	Part of fence is solid to a height of 1.8 metres.	Not supported- as the lot is vacant and there is opportunity for compliance.

Consultation Submissions		
Objections (2)	<ul style="list-style-type: none"> • Privacy-east side • Privacy-north side • Bulk and scale • Setbacks and boundary wall, impact on ventilation and precludes planting of vegetation • Glazing of upper level window to staircase • Decrease in property value • Increased overshadowing will decrease quality of lifestyle • Streetscape aesthetic appeal is decreased • Fill • Security of residents • Fencing-cost of replacement and privacy related to drying of clothes within the front setback area. 	<p>Not Supported - as compliant.</p> <p>Noted - obscured glass is proposed to the affected window.</p> <p>Supported - comments stated above.</p> <p>Supported - comments stated above.</p> <p>Noted - as part of window glazed, with remainder of window being 1.629 metres above first floor finished floor level.</p> <p>Not-supported - as it is non-planning related matter.</p> <p>Not-supported - as the proposal complies with the design for climate requirements.</p> <p>Supported - comments stated above.</p> <p>Noted - as fill will be required to be retained on-site and to comply with the relevant standards.</p> <p>Not-supported - as the matter is a non-planning related.</p> <p>Noted - as this is a matter to be resolved between the affected landowners under the relevant legislation. Comments in relation to front fencing are stated above.</p>

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

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

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

COMMENTS:

There is currently a sewer easement on the site which does cause some design constraints. However, as the lot is a vacant site, there is opportunity for redesign to comply with the requirements of the R Codes and the Town Policies.

The variations requested are considered excessive and would result in undue impact on the amenity of the area and locality. On the above basis, the proposal is not supported.

10.1.7 No. 40 (Lot 571) Federation Street, Mount Hawthorn - Proposed Demolition of Existing Outbuilding and Construction of Carport and Two-Storey Additions to Existing Single House

Ward:	North	Date:	14 February 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2958; 00/33/2494
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner L J Chomley for proposed Demolition of the Existing Outbuilding and the Construction of Carport and Two-Storey Additions to Existing Single House, at No. 40 (Lot 571) Federation Street, Mount Hawthorn, and as shown on plans stamp-dated 22 September 2004 (floor plan and elevations) and amended plans stamp-dated 1 February 2005 (site plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the subject approved structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only;*
- (iii) the property shall not be used for home based business or home occupation purposes without a Planning Application being submitted to and approved by the Town prior to commencement of such uses;*
- (iv) prior to the issue of a Building Licence, the owner shall provide a Statutory Declaration to the Town, stating that the proposed addition is not to be rented or used as a separate dwelling;*
- (v) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy 3.7.1 Parking and Access and Australian Standards AS2890.1 - "Off Street Parking"; and*
- (vi) no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved structure without the prior approval of such by the Town;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (7-2)

For
Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Franchina
Cr Ker
Cr Lake
Cr Torre

Against
Cr Chester
Cr Cohen

Landowner:	LJ Chomley
Applicant:	LJ Chomley
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential 'R30'
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	493 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The applicant seeks to obtain Council approval for the demolition of the existing outbuilding and development of a two-storey outbuilding to accommodate a shed, studio/study and carport.

In support of their application the applicant has included a written submission. The main reason for the building is to accommodate storage, a study and a children's playroom. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support (3)	<ul style="list-style-type: none"> Neighbouring property owners signed letters supporting the proposed application. One letter of support has requested obscure glazing on north facing windows 		<p>Noted</p> <p>Not supported - windows are not major openings and have sill height of 1.6 metres from finished floor level.</p>

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:

North Facing Windows

It is noted that a request was made by an adjoining land owner for obscure glass on the northern elevation. The Town's Officers note that the sill heights to windows on the north elevation are 1.6 metres above the finished floor level, and therefore are not considered as major openings and do not require obscure glazing.

Driveway

It is noted that the existing driveway is a shared accessway secured by a right of carriageway easement with the adjoining property to the south, which is to be retained and used to access the proposed carport (existing location of carbay).

Summary

The proposal has not been advertised as letters of support from adjoining property owners were submitted together with the development application.

The proposal is considered supportable and is therefore recommended for approval, subject to standard and appropriate conditions.

10.1.9 No. 374 (Lot 801) Newcastle Street (corner Fitzgerald Street), Perth - Proposed Two- Storey Mixed Use Development comprising One (1) Eating House and Two (2) Multiple Dwellings and Associated Undercroft Carparking

Ward:	South	Date:	16 February 2005
Precinct:	Beaufort; P13	File Ref:	PRO0776; 00/33/1903
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner AT Woolfe & LA Glendining for proposed Two- Storey Mixed Use Development comprising One (1) Eating House and Two (2) Multiple Dwellings and Associated Undercroft Carparking, at No. 374 (Lot 801) Newcastle Street (corner Fitzgerald Street), Perth, and as shown on plans stamp-dated 18 November 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$8,500.00) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$8,500.00, 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 Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

- (vii) *subject to first obtaining the consent of the owners of No. 372 Newcastle Street and No. 120 Fitzgerald 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. 372 Newcastle Street and No. 120 Fitzgerald Street in a good and clean condition;*
- (viii) *the public floor area of the eating house component shall be limited to a maximum of 20.28 square metres;*
- (ix) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- (a) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development; and*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xi) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xiii) *bin compound shall be constructed in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*
- Residential*
- 1 x Mobile Garbage Bin per Unit*
1 x General Recycle Bin per 2 Units
- Commercial*
- 1 x Mobile Garbage Bin per Unit*
1 x Paper Recycle Bin per Unit, or per 200 square metres of floor space;

- (xiv) *doors and windows and adjacent floor areas fronting Newcastle and Fitzgerald Streets shall maintain an active and interactive relationship with this street;*
- (xv) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvi) *the gate for the undercroft carparking adjacent to Fitzgerald Street shall be visually permeable, with a minimum 50 per cent transparency;*
- (xvii) *any proposed vehicular entry gates adjacent to Fitzgerald Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development; and*
- (xviii) *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 kerbline of Newcastle and Fitzgerald Streets;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

Landowner:	AT Woolfe & LA Glendining
Applicant:	AT Woolfe & LA Glendining
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vacant
Use Class:	Eating House & Multiple Dwelling
Use Classification:	"P" & "AA"
Lot Area:	262 square metres
Access to Right of Way	N/A

BACKGROUND:

- 8 December 1999 Council, at its Ordinary Meeting, resolved to conditionally approve a proposed mobile telephone microcell telecommunications facility at the corner of Newcastle Street and Fitzgerald Street.
- 28 November 2003 The Town received correspondence from the Department for Planning and Infrastructure containing confirmation that the proposed development application is acceptable to the Integrated Transport Planning Directorate.

DETAILS:

The proposal involves a proposed two- storey mixed use development comprising one (1) eating house and two (2) multiple dwellings and associated undercroft carparking.

The eating house is located on the ground floor and has frontage to both Fitzgerald and Newcastle Streets. An undercroft carpark with provision for six (6) car bays, inclusive of one (1) disabled bay, is provided at the side of the site with access from Fitzgerald Street.

The residential component of the mixed use development is wholly located on the upper floor. Unit 1 is a two-bedroom, one bathroom dwelling and Unit 2 a single bedroom dwelling. Access to both dwellings is via a central stairwell. The proposal includes a 1.8 metres wide awning following the nil setback line at the Newcastle and Fitzgerald Street frontages.

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	2.09 Multiple dwellings or one single bedroom multiple dwelling and 1.42 two bedroom multiple dwellings - R 80	One single bedroom multiple dwelling and one two bedroom multiple dwelling (R 46.18)	Supported - no variation
Plot Ratio	1.0 - 262 square metres	0.958 - 251.16 square metres	Supported - no variation
Building Height	Two- storey (7 metres for concealed roof), three storey can be considered (10 metres) and potential for four storey along Newcastle Street	Two Storey with wall height of 8.1 metres along Fitzgerald Street and 8.6 - 9.6 along Newcastle Street	Supported - as a third storey can be considered. The building adds to the existing streetscape
Setbacks	Setbacks consistent with adjoining land and buildings in the immediate locality	Nil setbacks to all boundaries	Supported - the setbacks are consistent with adjoining land and buildings in the immediate locality especially those adjacent to Newcastle Street.
Buildings on Boundary: Northern Parapet Wall	Walls on boundary for 2/3 of boundary behind street setback up to 6.0 metres in height	Nil setback and 8.1 metres in height along full length of boundary	Supported - no objections received and no negative undue impact.
Consultation Submissions			
Support		Nil	Noted
Objection		Nil	Noted

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

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

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

Residential Carparking

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). The residential component requires 3 car bays. A total of 3 car bays have been allocated for the residential uses.

A total of 6 car bays have been provided for the entire development, therefore resulting in three (3) car bays available for the commercial component.

Commercial Carparking

Requirements as per Parking and Access Policy	Required
Car Parking Requirement (nearest whole number) - Restaurant (20.23 square metres)- 4.51 carbays	5 car bays for commercial component
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (mixed use development) 	(0.68) 3.4 car bays
Minus car parking on site (6 carbays shown, 2 car bays for Unit 1 and 1 carbay for Unit 2, being a single bedroom dwelling)	3 car bays
Minus the most recently approved on site parking shortfall	N/A
**Resultant shortfall	0.4 car bay

** If the resultant shortfall of parking is less than or equal to 0.5 bay, no parking bay or cash-in lieu of parking is required for shortfall.

Bicycle Parking Facilities

Requirements	Required	Provided
Restaurant 1 per 100 (proposed 20.23) square metres public area for employees (class 1 or 2).	0.202 spaces	No class 1 or 2 facilities provided, Three (3) class 3 facilities provided on plans.
1 space per 750 square metres over 1000 square metres for visitors.	N/A	N/A

The Town's Parking and Access Policy requires the provision of Bicycle Parking Facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of nil class 1 or 2 bicycle parking bays, being 0.202 spaces rounded to the nearest whole number. It is noted that three (3) class three bicycle facilities are provided.

No end of trip facilities are required pursuant to the Town's Policy relating to Parking and Access.

COMMENTS:

Non Residential Development adjacent to Residential Areas

The proposed development is adjacent to the Residential/Commercial Zone along Fitzgerald Street. The Residential Zone is currently occupied by commercial land uses only. It is noted that there are no privacy encroachments, no submissions were received during the advertising period and the proposal does not negatively affect the amenity of the Residential/Commercial Zone to the north of the subject site.

Summary

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

10.1.10 No. 66 (Lot 7) Wright Street, Highgate - Proposed Demolition of Existing Single House

Ward:	South	Date:	16 February 2005
Precinct:	Forrest; P14	File Ref:	PRO3077;00/33/2678
Attachments:	001		
Reporting Officer(s):	R Jarman-Walker		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Corrie as Executor of the Estate of the late R Sindoni, for the proposed demolition of the existing dwelling at No. 66 (Lot 7) Wright Street, Highgate, as shown on plans date stamped 18 January 2005, subject to:

- (i) a Demolition Licence being obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection being submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a redevelopment proposal for the subject property being submitted to, and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application not being construed as support of a 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 an existing dwelling valued by the community;*
- (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; and*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.10

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

LOST (2-7)

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

Reasons:

- The proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing building.**
- In the Council's opinion, the streetscape is of considerable importance and contributes significantly to the character of the area, and Council has invested significant effort in retaining existing dwellings on Wright Street.**
- The lot is able to be developed with the retention of the existing house.**

Landowner:	The Estate of R Sindoni
Applicant:	M Corrie
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	860 square metres
Access to Right of Way:	N/A

BACKGROUND:

- The City of Perth Building Licences indicates that a Building Licence was first granted to a W Hawkins in 1903. The construction of the subject dwelling is likely to have occurred shortly thereafter.
- The War Service Homes Commissioner purchased the property in 1919 and held it for a 5 year period.
- Mr A Sindoni and Mrs R Sindoni purchased the subject place in 1963 and resided there until their deaths.
- The place was entered onto the Interim Heritage Database in 1998 at the recommendation of the owner.

DETAILS:

- The subject proposal involves the demolition of the dwelling.
- At this stage there is no re-development application existing for the site.
- The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
No advertising was required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

A detailed Heritage Assessment is included as an attachment to this report.

The Policy '*Heritage Management – Municipal Heritage Inventory*', adopted by the Council at its Ordinary Meeting held on 27 March 2001, has been used to determine the cultural heritage significance of the place.

The place is not considered to meet the minimum criteria of cultural heritage significance for entry into the Town of Vincent Municipal Heritage Inventory. In light of the above, the proposed demolition is supported.

10.1.14 Nos. 128-130 (Lots 28 and 27) Joel Terrace, Mount Lawley - Town Planning Appeal Tribunal Costs in relation to Refusal for Proposed Three (3) Two-Storey and Four (4) Three-Storey Grouped Dwellings

Ward:	South	Date:	15 February 2005
Precinct:	Banks; P15	File Ref:	PRO2620; 00/33/1980
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the report relating to the cost in successfully defending the Town Planning Appeal Tribunal Appeal No. 253 of 2004 in relation to the Council's Refusal for the Proposed Three (3) Two-Storey and Four (4) Three-Storey Grouped Dwellings at Nos. 128-130 (Lots 28 and 27) Joel Terrace, Mount Lawley.

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cohen, Seconded Cr Doran-Wu

That the existing recommendation be numbered clause (i) and a new clause (ii) be added as follows:

“(ii) WRITES to the Western Australian Local Government Association, the Department of Local Government and the Minister for Planning and Infrastructure seeking information on the experiences of other Local Governments in successfully recovering the cost of appeals and how they can support Local Government addressing the high costs associated with successfully defending an appeal.”

Debate ensued.

Council expressed satisfaction about the successful outcome, however concern was expressed about the high legal costs of the appeal. Council requested the CEO to review the matter of legal costs and implement measures to ensure that a repetition of this does not occur.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.14

That the Council;

(i) RECEIVES the report relating to the cost in successfully defending the Town Planning Appeal Tribunal Appeal No. 253 of 2004 in relation to the Council's Refusal for the Proposed Three (3) Two-Storey and Four (4) Three-Storey Grouped Dwellings at Nos. 128-130 (Lots 28 and 27) Joel Terrace, Mount Lawley; and

- (ii) *WRITES to the Western Australian Local Government Association, the Department of Local Government and the Minister for Planning and Infrastructure seeking information on the experiences of other Local Governments in successfully recovering the cost of appeals and how they can support Local Government addressing the high costs associated with successfully defending an appeal.*

ADDITIONAL INFORMATION:

It is to be noted that Councillors Ian Ker, Sally Lake, three (3) adjacent land owners and a staff member appeared on behalf of the Town in defending the above appeal. The Town's Solicitors further confirmed that eight (8) and not seven (7) witnesses appeared on behalf of the Town in total.

BACKGROUND:

28 September 2004: The Council at its Ordinary Meeting resolved to refuse the proposed three (3) two-storey and four (4) three-storey grouped dwellings and Survey Strata Subdivision 63-04 at Nos. 128-130 (Lots 28 and 27) Joel Terrace, Mount Lawley.

25 October 2004: Appeal lodged against the Council refusal for the development approval only, by the applicant/owners at the Town Planning Appeal Tribunal (now State Administrative Tribunal).

22 December 2004: Appeal dismissed by the Town Planning Appeal Tribunal.

18 January 2005: Appeal determination reported to Council.

It is to be noted that the Town has since received 4 new planning applications for the above Site, which are as follows:

1. DA00/33/2573 for the removal of the significant Camphor Laurel tree.
2. DA 00/33/2574 for the pruning of the significant Camphor Laurel tree.
3. DA00/33/2575 for 6 grouped dwellings.
4. DA00/33/2650 for 7 grouped dwellings.

Applications 1, 2 and 3 were submitted prior to the TPAT decision of 22 December 2004, and have been advertised for public comments, resulting in individual submissions and a 147 signature petition objecting to the proposal being received by the Town.

Application 4 has not been advertised, as the applicants have requested the Town's Officers to suspend all the above 4 applications, as they are considering various development options for the site in light of the TPAT decision and the concerns of overdevelopment of the site raised by the Town's Officers.

DETAILS:

At the Town Planning Appeal Tribunal (TPAT) hearing, the Town was represented by Solicitors Minter Ellison, who were assisted by Planning Consultant Peter Simpson from The Planning Group WA Pty Ltd and Arboricultural Consultant John Banks.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The total cost incurred by the Town for the above appeal at the TPAT was \$75,405.00, which excludes GST. The above also does not include Town's Officers costs, which has involved a considerable amount of time. A breakdown of the cost is as follows:

- Minter Ellison - \$62,702.50;
- The Planning Group - \$8,675.00; and
- John Banks - \$4,027.50.

Planning Building and Heritage Services (PBHS) current legal expenses as of 2 February 2005 stands at \$88,920.30, after the recoument of expenses (\$4,011.25). The total legal expense budget for 2004/2005 for PBHS is \$60,000, which results in a shortfall of \$28,920.30. This figure is likely to increase as there are currently 5 other appeals in progress, which may require the services of Consultants/Solicitors.

This budget shortfall is being addressed in the mid-year budget review, which is an Item on this Agenda.

COMMENTS:

The above appeal was over a period of 4 days, and included a total of 11 witnesses, 7 of whom appeared on behalf of the Town. Minter Ellison have advised that the above appeal was of a complex nature which involved a variety of Residential Design Code issues and matters relating to the significant tree. This involved considerable time in preparing and conducting the appeal.

For future appeals of a similar nature, requiring legal representation, the Town will obtain quotes from all the members of the legal tender panel in order to ensure best value for money and services is obtained.

It is to be noted that considering future appeals, the Council/Town needs to be fully aware of cost/budget implications associated with all future appeals and the affect it would have in terms of financial cost to the Council/Town including officer resources.

Mayor Catania advised that Crs Chester and Ker had declared a proximity interest in this Item. Crs Chester and Ker departed the Chamber at 9.25pm and did not speak or vote on the matter.

10.1.15 Amendment No. 19 to Planning and Building Policies - Appendix No. 14 - Design Guidelines for No. 95 (Lot 75 and Pt Lot 76) Chelmsford Road, Mount Lawley

Ward:	South	Date:	16 February 2005
Precinct:	Norfolk; P10	File Ref:	PRO2061;122893,
Attachments:	001		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the draft Policy relating to Appendix No. 14 - Design Guidelines for No. 95 (Lot 75 and Pt Lot 76) Chelmsford Road, Mount Lawley, as shown in the Attachment;*
- (ii) *ADOPTS the draft Policy relating to Appendix No. 14 - Design Guidelines for No. 95 (Lot 75 and Pt Lot 76) Chelmsford Road, Mount Lawley, to be applied in the interim;*
- (iii) *ADVERTISES the draft Policy relating to Appendix No. 14 - Design Guidelines for No. 95 (Lot 75 and Pt Lot 76) Chelmsford Road, Mount Lawley for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *reviews the draft Policy relating to Appendix No. 14 - Design Guidelines for No. 95 (Lot 75 and Pt Lot 76) Chelmsford Road, Mount Lawley, having regard to any written submissions; and*
 - (b) *determines the draft Policy relating to Appendix No. 14 - Design Guidelines for No. 95 (Lot 75 and Pt Lot 76) Chelmsford Road, Mount Lawley, with or without amendment, to or not to proceed with them.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Lake, Seconded Cr Farrell

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

"(v) *AMENDS the draft Policy relating to Appendix No. 14 - Design Guidelines for No. 95 (Lot 75 and Pt Lot 76) Chelmsford Road, Mount Lawley , as shown in the Attachment, by amending clause 2)Context; prior to clauses (i), (ii) and (iii) above, being actioned:*

2) *CONTEXT*

~~The immediate locality is characterised by housing in a wide range of architectural styles, of dwelling and morphology types, of lot sizes and of building ages and condition.~~ The immediate locality is generally characterised by single storey detached housing development dating from the early decades of the 20th Century with a few houses development characteristic of the 1960s. Lot sizes and frontages have historically been consistent across the immediate locality, with some recent development occurring within the wider locality with varying lot sizes and frontages. The age of the majority of the oldest housing is circa 1900.

~~There is no particular definable aesthetic or historical streetscape character other than what may be described as varied and picturesque."~~

Debate ensued.

Moved Cr Lake, Seconded Cr Franchina

That the Item be DEFERRED to obtain advice on how best to handle the Guidelines.

CARRIED (7-0)

(Crs Chester and Ker were absent from the Chamber and did not vote.)

BACKGROUND:

- | | |
|-------------------|---|
| 10 June 2002 | The Town recommended conditional approval under delegated authority for demolition of No. 95 (Lot 75 and Part Lot 76) Chelmsford Road, Mount Lawley. |
| 18 September 2003 | The Town recommended conditional approval under delegated authority for the proposed amalgamation and subdivision of Nos. 95 and 97 (Lots 75, 76, 77 and Part Lot 75) Chelmsford Road, Mount Lawley into 4 lots comprising; 3 lots of 231.6 square metres and 1 lot 694 square metres. |
| 30 October 2003 | The Western Australian Planning Commission (WAPC) conditionally approved the subdivision of the land. Conditions 11 and 12 of this conditional subdivision approval states the following:

<i>"11. The applicant obtaining development approval for the development of a dwelling(s) on proposed Lots 1, 2 and 3 and the building(s) being constructed to plate height prior to the submission of the Diagram for Plan or Survey. (LG)"</i> |

"12. If the boundary(ies) of the lots are defined by "Party Walls", then a party wall rights easement created pursuant to section 136C of the Transfer of Land Act is to be shown on the Diagram or Plan of Survey (Deposited Plan), in accordance with the development as constructed, to the satisfaction of the Western Australian Planning Commission. (LG) . . .

The applicant is advised to consult with the Town of Vincent to determine the requirements for the registration of "Party Walls" (mutual easements of support) on the Certificate of Title and provisions of the Local Government Act to which "Party Walls" may be subject to."

24 November 2003 The applicant on behalf of the owners requested the WAPC to reconsider conditions 2, 7, 8, 9, 10, 11, and 12, of the above approval.

11 December 2003 Conditional Planning Approval was granted under delegated authority for additional three (3) two-storey single houses to existing single house on the subject site. It is likely that this application was submitted in order to satisfy a condition of Planning Approval for the Demolition Licence, therefore allowing the applicant to commence demolition works.

29 March 2004 The Town received correspondence from the WAPC stating the following:

"A request for reconsideration of the abovementioned conditions was received on 24 November 2003 with additional supporting information received on 26 January 2004. A copy of the reconsideration letter is enclosed.

Your comments or any information you may have concerning this proposal is requested prior to 13 April 2004.

In terms of Condition 11 (plate-height construction) it is noted that the Council has approved development application pertaining to construction of an additional three (3) two storey single houses on the subject land. In light of the landowners desire not to undertake development at this point in time it has been suggested that the adoption of Residential Design Guidelines may offer an alternative mechanism by which to ensure that future development on the narrow lots is integrated. Accordingly, the Town's specific comments as to the acceptability of a requirement for adoption of Residential Design Guidelines in place of plate -height construction would be appreciated.

8 April 2004 The Town replied to the WAPC stating the following:

"I wish to advise that the Town's Policy relating to Subdivisions Requiring Plate Height Development, only requires developments to be built to plate height for subdivisions that will create vacant freehold, survey strata or strata lots(s) with an area less than 200 square metres, or a frontage less than 6 metres, or a depth less than 15 metres, or for lots which have an awkward shape. Given that the proposed lots do not meet the above-mentioned criteria, the plate

height condition is not considered necessary, and it was therefore not recommended as a condition of subdivision approval in the Town's letter dated 18 September 2003".

20 May 2004: Correspondence to the applicant from the WAPC states the following in relation to Condition 11:

". . . it is acknowledged that PolicyDC2.2 does provide the option of pursuing a detailed area plan as a means of securing co-ordinate development and the Commission has previously been prepared to support application within the Town of Vincent subject to the preparation and adoption of Residential Design Guidelines to address development concerns prior to the creation of freehold lots. In this instance the Commission considers that such an option would enable your clients to proceed with the subdivision while still ensuring a degree of certainty as to the form and layout of the future development and has resolved to:

modify Condition 11 as follows:

11. Detailed Residential Design Guidelines for Proposed Lots 1, 2 & 3 being submitted to the Western Australian Planning Commission for approval and adopted by the Town of Vincent pursuant to clause 47 of the Town of Vincent Town Planning Scheme to address such issues as building orientation, site coverage, setbacks, the location of driveway crossovers, location of party walls, common fencing and parking. (WAPC/LG)".

DETAILS:

The Town received correspondence dated 2 December 2004 from the applicant for the above mentioned property with attached draft Design Guidelines for No. 95 (Lot 75 and Part Lot 76), Chelmsford Road, Mount Lawley, stating:

"We would be grateful if you would proceed with formal procedures for the adoption of the guidelines as part of a policy made pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No. 1"

The Town received a letter dated 18 January 2005 from the WAPC advising the following:

"Please be advised that subject to some points that require clarification or consent from the Town of Vincent, the Commission is satisfied that the draft Design Guidelines will be in an acceptable format for Council's adoption."

With this advice from the WAPC, the draft Design Guidelines are considered acceptable in their current form. The draft Design Guidelines have been reformatted to complement with the Town's Planning and Building Policies and is shown in the Attachment.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2004/2005 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The applicant has liaised with the officers of both the Town and the WAPC to produce Design Guidelines that reflect the requirements of the aforementioned parties. The Guidelines fulfil the requirements of the WAPC's revised condition number 11 as stated in their letter dated 20 May 2004.

In light of the above, it is recommended that the Council adopts the Draft Policy relating to Appendix No. 14 - Design Guidelines for No. 95 (Lot 75 and Part Lot 76), Chelmsford Road, Mount Lawley, to be applied immediately and advertises the Draft Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1.

Crs Chester and Ker returned to the Chamber at 9.42pm.
Cr Torre departed the Chamber at 9.42pm.
Crs Chester and Ker were advised that the Item had been deferred.

10.1.16 Planning and Building Policies - Amendment No. 8 Relating to Residential Design Elements (RDE), Table of Contents; all Residential Locality Statement Plans from No.1 through to No.31, Appendix No. 10 - Glossary of Terminology and Parking and Access Policy

Ward:	Both Wards	Date:	16 February 2005
Precinct:	All Precincts	File Ref:	PLA0141
Attachments:	001 002 003 004		
Reporting Officer(s):	K Batina, C Godwin		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES** the:

(a) *Draft Policy relating to Residential Design Elements as 'Laid on the Table'; and*

(b) *amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31, Appendix No. 10 - Glossary of Terminology, Parking and Access and Minor Nature Development;*

as shown in Attachments 001 to 003;

(ii) **ADOPTS** the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31; Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access to be applied in the interim;

- (iii) ***RESCINDS the Policies relating to Local Character, Environmental Design, Street Setbacks, Street Walls and Fences, Vehicular Access, Site Levels, Building Scale, Privacy, Vehicle Access to Dwellings via a Right-of-Way and Subdivisions Requiring Plate Height Development, to be applied immediately, as shown in Attachment 004;***
- (iv) ***ADVERTISES the:***
 - (a) ***Draft Policy relating to Residential Design Elements;***
 - (b) ***amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31; Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access; and***
 - (c) ***the Policies proposed to be rescinded relating to Local Character, Environmental Design, Street Setbacks, Street Walls and Fences, Vehicular Access, Site Levels, Building Scale, Privacy, Vehicle Access to Dwellings via a Right-of-Way and Subdivisions Requiring Plate Height Development, to be applied immediately as shown in Attachments 001 to 004;***

for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:

- (d) ***advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;***
 - (e) ***where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and***
 - (f) ***forwarding a copy of the subject Policies to the Western Australian Planning Commission;***
- (v) ***after the expiry of the period for submissions:***
- (a) ***reviews the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan***

29, Riverside - Locality Plan 30, Kadina - Locality Plan 31, Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access, having regard to any written submissions; and

- (b) determines the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31, Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access, with or without amendment, to or not to proceed with them;*
- (vi) ACKNOWLEDGES that the following Notice of Motions and resolutions of the Council relating to Residential Development and listed within this report, having been addressed and finalised in the Residential Design Elements;*
 - (a) Ordinary Meeting of Council held 22 July 2003 - Item 11.2 - Town of Vincent Planning and Building Policy Manual;*
 - (b) Ordinary Meeting of Council held 18 November 2003 - Item 11.1 - Definition of "Lofts";*
 - (c) Ordinary Meeting of Council held 24 August 2004 - Item 11.1 - Streetscapes in the Town;*
 - (d) Ordinary Meeting of Council held 27 April 2004 - Item 11.2 - Residential Design Codes Review;*
 - (e) Ordinary Meeting of Council held 8 July 2003 - Item 11.2 - Review of the Town of Vincent Street Walls and Fences Policy;*
 - (f) Ordinary Meeting of Council held 26 August 2003 - Item 11.2 - Residential Design Codes; and*
 - (g) Ordinary Meeting of Council held 2 December 2003 - Item 10.1.16 - Policy No. 3.1.14 – Subdivisions requiring Plate Height Development; and*
- (vii) NOTES that the Interim Practice relating to Car Parking, Carports and Garages Accessed from the Street rather than an Available Right of Way resolved at the Ordinary Meeting of Council held 27 April 2004 has been qualified by the Residential Design Elements and is therefore no longer required.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

There was discussion regarding the time it would take to debate this Item, the lateness of the hour and the number of items still remaining to be debated.

Cr Cohen departed the Chamber at 9.44pm.

Cr Torre returned to the Chamber at 9.45pm.

Cr Cohen returned to the Chamber at 9.46pm.

Moved Cr Ker, Seconded Cr Lake

That due to the lateness of the hour, the Item be DEFERRED to a Special Meeting of Council to be determined by the Mayor.

CARRIED (9-0)

It was agreed that due to the lateness of the hour, items that did not require lengthy debate would be brought forward and the remaining items deferred to a Special Meeting of the Council.

Items brought forward were: 10.2.5, 10.3.4, 10.4.2, 10.4.8, 10.4.10, 10.4.11, 10.3.2, 10.4.12, 12.1, 10.2.3 and 10.2.4.

Items deferred to a Special Meeting of the Council were: 10.1.16, 10.1.19, 10.2.2, 10.3.5 and 10.4.3.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual, which included the abovementioned Policies. The matters relating to the Residential Design Elements have been presented to Council at the Elected Members Forums held on 19 October 2004, 30 November 2004 and 14 December 2004.

DETAILS:

The review of existing policies and the preparation of the Draft Policy relating to the Residential Design Elements has been guided by the State Government's adoption of the Residential Design Codes in October 2002, Interim Practice of the Town and the various Notice of Motions that have been requested by Elected Members since July 2003, in relation to some of the Policies within the Town's Planning and Building Policy Manual.

The purpose of this report is to introduce and outline the contents of the Draft Policy relating to Residential Design Elements. In addition, the responses to the various Notice of Motions requested since July 2003 that relate to residential development within the Town have been collated into a Table in the 'Comment' section of this report to demonstrate how each has been addressed within the Draft Policy.

Draft Policy - Residential Design Elements

The Draft Policy has been prepared to encompass a number of the Town's existing Policies and to further augment the provisions contained within the Residential Design Codes to ensure local objectives are maintained and preserved. To maintain consistency in language with the existing section of the Planning and Building Policy, 'Residential Design Guidelines - Design Elements', the Draft Policy has been called 'Residential Design Elements'. The Residential Design Elements intend to replace a number of the existing 'Residential Design Guidelines - Design Elements' Policies, contained within the existing Planning and Building Policy Manual.

The principal aims of the Residential Design Elements are:

1. To consolidate a number of existing Policies relating to Residential Development (that is, a number of stand alone Policies within the Planning and Building Policy Manual relating to residential development that need to be integrated into the Residential Design Guidelines section of the Manual, in order for them to be read in context).

2. To integrate future and likely changes to the Residential Design Codes, and utilise the Codes as a basis of the Policy recommendations, so as to provide better consistency between the two operational documents - for example, the Assessment Tables.
3. To minimise the amount of wording and preamble in the existing policies and make the Residential Design Guidelines a collection of 'dot' points that are easily understood by the general public, practitioners and staff.

It should be emphasised that the Residential Design Elements do not intend to 'reinvent' existing Policy requirements for the Town of Vincent but rather aim to implement better and clearer policies, so to ensure a consistent approach and application of the Residential Design Elements and the related elements.

Principle Changes

Structure

With the intention of removing as much unnecessary 'wording' as possible from the Policies, the Residential Design Elements have been structured in a different manner to other Policies within the Town's Planning and Building Policy Manual, to provide a more concise and user friendly document.

An outline and description of the Residential Design Elements and the general aims and objectives of the Policy, form as an introduction to the Policy. The Policy is then structured into a number of Design Elements, which are essentially a compilation of existing Policies and the introduction of some new Policy provisions and requirements.

Aim	Identifying the objective(s) in relation to the relevant design element
Assessment Table	<p>Similar to those Performance Criteria Tables of existing Policies, but with slight modification and adaptation of the provisions to enable:</p> <ol style="list-style-type: none"> a) clearer direction and understanding; b) some possible solutions to satisfying the Performance Criteria by providing Acceptable Development standards; and c) to better reflect the provisions and intentions of the Codes and Policies. <p>The <i>Performance Criteria</i> sets out the performance based criteria by which developments are assessed. The <i>Acceptable Development</i> standards, set out <i>some</i> possible design solutions to achieve the performance criteria. It should be noted however, that the acceptable solutions are some of many possible design solutions that may address and satisfy the performance criteria.</p>
Guidance Notes	<p>Provides the reader/user with contextual understanding of the design element, and what the Town of Vincent's preferred outcomes are. The Guidance Notes will also provide definitions relating to that particular design element and practice notes on how measurement of height (for example) is undertaken by the Town.</p>

It is anticipated that by simplifying the structure of the Policy format, it will reduce the chances of misinterpretation and differing application and implementation of the provisions relating to each design element by the general public, practitioners and staff.

Residential Design Elements

Following is a summary of the more notable changes proposed to be part of the Residential Design Elements, which is divided into the nine Design Elements:

Element One - Urban Design, Streetscape & Amenity

- More specific requirements with regard to primary street setbacks and building design to ensure new development is compatible with the established streetscape and sympathetic to existing dwellings.
- Introduction of specific setback distance requirements for development on corner lots and facing secondary streets in relation to both ground floor and upper floor components of residential development.
- Clarification with respect to proposed development fronting rights of way, including the provision of a diagrammatic representation of the Policy provisions.

Element Two - Setbacks & Amenity of Adjoining Property

- Clearer direction with respect to preservation of amenity on adjoining properties.
- Quantifiable measures being provided to assess the impact of overshadowing on adjoining properties.
- Side setback requirements for additions where the original or heritage dwelling has been retained.

Element Three - Front/Side and Rear Fences

- Clarification with respect to how fence height is measured in different circumstances.
- Identification, through diagrams, what type of fencing requires / does not require development approval.

Element Four - Residential Parking and Vehicular Access

- The provision of minimum setback requirements for garages and carports, with supporting diagrams.
- A clear definition of 'carports' and 'garages' is now provided.
- Outline of preferred locations for on site car parking with supporting diagrams.
- Greater emphasis has been placed on encouraging the reduction in the number of crossovers onto streets where possible.

Element Five - Building Height and Scale

- Diagrams and a clear definition of 'Loft' have now been provided. Given that lofts are required to be contained within the roof space of a dwelling, it is appropriate that they are permitted in both single and two storey dwellings.
- The total habitable floor area for lofts permissible is not to exceed 60 percent of the total floor area of the uppermost floor located immediately below the loft space.
- More stringent setback requirements have been introduced for upper storey elements of residential development, in an effort to emphasise the preservation of single storey streetscapes, where appropriate and applicable.
- The provision of definitions relating to Maximum Allowable Building and Wall Heights to provide better distinction between the two terms.
- The introduction of a building envelope to control the bulk and scale of development.
- The definition of a 'storey' with associated diagrams has been provided.
- Unless otherwise specified in the relevant Residential Locality Statement or Precinct Plan, the maximum number of storeys supported within the Town is now limited to two storeys.

Element Six - Site Levels

- Further clarification has been provided with respect to cut and fill in relation to proposed developments.
- Generally the same provisions apply as stated in the Policy relating to Site Levels, but it is proposed to increase the maximum fill level permitted within the front setback area from 300 millimetres to 500 millimetres, in line with the Codes.

Element Seven - Privacy

- The 'Cone of Vision' principle has been replaced with the Horizontal Plane of Vision, which is regarded as being more practical and applicable for determining the extent of overlooking resulting from a major opening on an upper level. Diagrams showing this have been provided.
- Identification and listing of various acceptable forms of visual screening.

Element Eight – Open Space and Landscaping

- In light of the anticipated adoption of the Significant Trees Inventory for the Town, more emphasis has been placed on the retention of significant trees and vegetation on site.
- Landscape plans will now need to be submitted for developments comprising two or more dwellings and for any new car parks proposed where the number of bays exceeds six bays.
- Introduction of specific open space and minimum outdoor living area requirements for different residential densities.
- Definitions provided for 'Open Space', 'Outdoor Living Areas', and 'Communal Open Space'.

Element Nine - Subdivision

- Previously not provided as a separate Policy, the need for this design element to be included as part of the Residential Design Elements is inherent, particularly given the pressure of infill development within the Town.
- Further explanation of the purpose and intent of 'split coding' has been provided, so applicants can better understand the premise for the split coding and its intent.
- The 'Subdivision requiring Plate Height Development' has now been incorporated into the Residential Design Elements. In addition, the Policy further defines and identifies the circumstances under which the requirement for construction to plate height is applicable and when it is not.
- Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 250 metres square in area.
- The provision of standards for subdivisions involving the allocation of common property.

Policies relating to Building Scale and Appendix No. 10 - Glossary of Terminology

A number of the Notice of Motions which have been addressed within the Residential Design Elements Policy have related to lack of clarity and ambiguity in relation to certain aspects of residential development within the Town. In response, the following terms have been included within the Residential Design Elements Policy and within the Glossary of Terminology:

Acoustic Privacy

"The absence or the minimisation of noise intrusion into the private internal or private outdoor areas of both the subject and neighbouring dwellings".

Amenity

"All those factors which combine to form the character of the area to the residents and passers by and shall include the present and likely future amenity".

Building Height

"The vertical distance at any point from natural ground level to the uppermost part of the building above that point (roof ridge, parapet or wall), excluding minor projections above this point".

Carport

"A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable".

Communal open space

"Open space set aside for the recreation use of the occupants of the dwellings in a common development and does not include driveways or car parking areas."

Front Fence

"That portion of fencing/wall situated within the defined front setback area, forward of the building line, which also includes any fencing located between adjacent properties and forward of the building line. Where two adjacent properties are set back by different amounts, the building line, for the purpose of this element only, shall be defined as the lesser setback of the two'.

Garage

"Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles."

Habitable room

"A room used for normal domestic activities that includes:

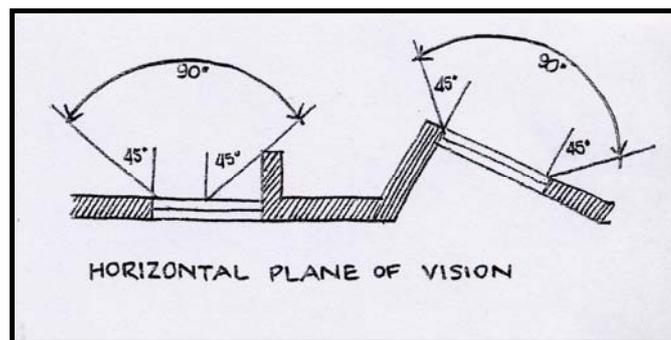
- A bedroom, living room, lounge room, music room, sitting room, television room, kitchen, dining room, sewing room, study, playroom, sunroom, gymnasium, fully enclosed swimming pool or patio;

But excludes:

- A bathroom, laundry, water closer, food storage, pantry, walk-in robe, corridor, hallway, lobby, photographic darkroom, clothes drying room, verandah and unenclosed swimming pool or patio and other spaces of a specialised nature occupied neither frequently nor for extended periods."

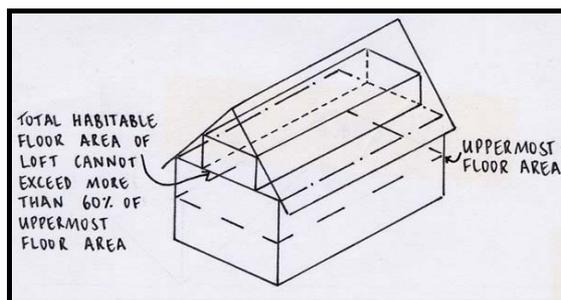
Horizontal plane of vision

"The limits of horizontal outlook from any given viewpoint for the purposes of assessing the extent of overlooking from that point as illustrated below:



Loft

"That area located above the uppermost ceiling at the top of a dwelling and just below the roof, often used for storage purposes, but may also be used for habitable space, dependant on its compliance with the Building Code of Australia for habitable purposes."



Major Opening

"A window, door or other opening in the wall of a habitable room that provides substantial external means of light or view for that room or spaces, but does not include an opening that:

- In aggregate do not exceed one square metre in any such wall (provided that adjoining or contiguous windows at the junction of two walls forming an internal angle of 90 degrees or less shall be aggregated); or*
- Are glazed in an obscure material and not openable; or*

Have a sill height not less than 1.6 metres above finished floor level."

Maximum Allowable Building Height

'The height measured between the natural ground level at the boundary and the highest point of the building, usually the roof ridge'.

Maximum Allowable Wall Height

'That height between the natural ground level at the boundary and the highest point immediately above the wall.'

Natural Ground Level

"The levels on a site which precede the proposed development, excluding any site works unless approved by the Council or established as part of subdivision of the land preceding development."

Open Space

"That area of a lot which is not occupied by any building and includes:

- Open areas of accessible and useable flat roofs and outdoor living areas above natural ground level.*
- Areas beneath eaves overhangs, verandas or patios not more than 0.5 metre above natural ground level, unenclosed on at least two sides and covering no more than 10 per cent of the site area or 50 square metres whichever is the lesser;*
- Pergolas;*
- Uncovered driveways (including access aisles in parking areas) and uncovered car bays;*

But excludes:

- Non-accessible roofs, verandahs and balconies over 0.5 metre above natural ground level;*
- Covered car parking bays and walkways, areas of rubbish disposal, stores, outbuildings or plant rooms."*

Outdoor Living Area

"The area external to the single house or grouped dwelling to be used in conjunction with that dwelling such that it is capable of active or passive use but excludes any area with a dimension of less than one metres minimum or which, by reason of its development or topography, is not readily accessible from the dwelling."

Plate Height

"The height of the wall between the natural ground level and the wall plate".

Primary Street

"The sole or principal public road that provides access to the principal entry to the dwelling".

Secondary Street

"In the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road".

Setback

"The horizontal distance between a wall at any point and any adjacent lot boundary, measured at right angles (90 degrees) to the boundary".

Site Area

"The area of land required for the construction of a dwelling to satisfy the requirements of the Codes."

Small Lot

"A lot comprising less than 250 square metres in land area".

Visually Permeable

'In reference to a wall, gate, door or fence that the vertical surface has:

- Continuous vertical gaps occupying 50% or more of its face as viewed directly from the street; and*
- A surface offering equal or lesser obstruction to view.'*

Wall Plate

"A horizontal structure on a wall to distribute the pressure from the roof frame structure".

Policies relating to Local Character, Environmental Design, Street Setbacks, Street Walls and Fences, Vehicular Access, Site Levels, Building Scale, Privacy, Vehicle Access to Dwellings via a Right-of-Way and Subdivisions Requiring Plate Height Development

The Residential Design Elements, in conjunction with the provisions of the Residential Design Codes, provide more comprehensive and specific guidance than the previous R-Codes and a number of the Town's Policies have been summarised and incorporated to form part of the Residential Design Elements Policy. It is therefore recommended that the following Policies be rescinded from the Town's Planning and Building Policy Manual due to matters raised in former Policies being adequately incorporated into the new Residential Design Elements and the Residential Design Codes:

- Local Character;
- Environmental Design;
- Street Setbacks;
- Street Walls and Fences;
- Vehicular Access;
- Site Levels;
- Building Scale;
- Privacy;
- Vehicle Access to Dwellings via a Right of Way; and
- Subdivisions Requiring Plate Height Development.

Policy Relating to Parking and Access

The residential component of the Town's Policy Relating to Parking and Access is proposed to be deleted as this information is now covered in the new RDEs.

Policy Relating to Minor Nature Development

The Policy relating to Minor Nature Development is proposed to be amended so as to reflect the change in the maximum permissible filling or excavation permitted without an application for development being submitted from 300 millimetres to 500 millimetres.

Policies relating to the Locality Statements

In undertaking this comparison and review of the above Policies, consideration has also been given to street and second storey setbacks. The Locality Statements, with the exception of the Carr Locality Plan 21 determines that all second storey street setbacks be 6 metres. In practice, the majority of development applications for two-storey development include justification for waiving of this requirement.

As such, it is recommended that the clause requiring the second storey front setback to be 6 metres in all the Locality Statements (with the exception of the Carr - Locality Plan 21) be deleted as provision for setbacks has been included in the Town's proposed new Streetscape Policy. Notwithstanding the above, Clause 40 of the TPS No. 1, allows the Council to determine variations to the Residential Design Codes for non-complying Planning Applications.

In addition, although not related to the Residential Design Elements Policy, a further amendment is proposed, which involves the deletion of any reference to the By-Law No.62 - Building Line and its replacement with the wording 'Planning Control Area No.54' to reflect the recent rescinding of By-Law No.62.

The Draft amended Policies are shown as Attachments to this Report.

Notice of Motions

As mentioned in the earlier part of this report, the Draft Residential Design Elements Policy has been influenced and guided by previous Notice of Motions that have been resolved at various Ordinary Meetings of Council since July 2003. The Notice of Motions and resolutions of the Council and the manner in which they have been addressed within the Residential Design Elements Policy are presented in the Tables below:

22 July 2003 Item 11.2 Town of Vincent Planning and Building Policy Manual	
Comment	Response
Remove any contradictions or ambiguity on 'building height' and specifically the wording in the provision of lofts	Refer to 'Element Five - Building Height and Scale' <ul style="list-style-type: none"> • Practice note and accompanying diagram is provided to show how building height is measured; • A clearer definition and explanation of the function of 'Lofts' has now been provided; • The Guidance Notes clearly outline that lofts must be wholly contained within the roof space of the proposed or existing dwelling and that the loft must not represent or resemble an additional storey.
Provide better distinction between allowable building height and allowable wall height	Refer to 'Element Five - Building Height and Scale'; <ul style="list-style-type: none"> • Definitions are now provided for 'Maximum allowable Building Height' and 'Maximum allowable Wall Height' to provide better distinction between the two terms.

Comment	Response
Provide better clarity in the Town's policies as to the appropriate heights in the Town's Localities	Refer to 'Element Five - Building Height and Scale' <ul style="list-style-type: none"> • Three storey developments are actively discouraged in any locality unless otherwise permitted within the Locality Statement or Precinct Plan; • Where three storey development is permitted, it must be demonstrated that the development satisfies the specified performance criteria; • Locality Statements will eventually be reviewed.
Examine an alternative mechanism of governing the maximum scale of development by reference to a maximum number of storeys to a maximum overall height, and where the number of storeys take place	Refer to 'Element Five - Building Height and Scale' <ul style="list-style-type: none"> • The concept of Building Envelopes has been introduced to provide a better diagrammatic representation of the vertical form of dwellings encouraged within the Town; • 'Maximum allowable height' is considered to precede 'Maximum number of storeys'; • A table has been provided indicating specific maximum allowable wall and building heights for 1-3 storey development.

18 November 2003 Item 11.1 Definition of "Lofts"

Comment	Response
Define the word 'loft' and incorporation into Planning and Building Policy Manual	Refer to 'Element 5 - Building Height and Scale'; <ul style="list-style-type: none"> • Definition is now provided for 'Loft'; and • In order to limit the extent of loft space used for habitable purposes, the total habitable floor area of a loft is restricted to a maximum of 60 percent of the total floor area of the uppermost floor area located immediately below the loft space.

24 August 2004 Item 11.1 Streetscapes in the Town

Comment	Response
Recognition being given to the community value of certain single storey streetscapes in the Town	Refer to 'Element One - Urban Design, Streetscape & Amenity'; <ul style="list-style-type: none"> • Within Assessment Table and Guidance Notes, it is clearly stated that the Town will not support any new development and/or additions that will result in a significant departure from an established single storey streetscape.

Comment	Response
<p>How their retention (either existing buildings or new buildings where demolition of the existing dwelling is approved) might be best achieved, including (but not restricted to) inclusion of suitable provisions in the Town Planning Scheme and the Town's Locality Statements</p>	<p>Refer to 'Element One - Urban Design, Streetscape & Amenity' and 'Element Five - Building Height and Scale';</p> <ul style="list-style-type: none"> • The Guidance Notes state that in the instance where the streetscape is predominantly single storey, then any upper storey additions or two storey developments should reinforce the streetscape patterns by maintaining a single storey presentation to the street. • The Assessment Table and Guidance Notes of Element Five have further requirements for second storey additions or new two storey development to encourage a single storey presentation to the street.

27 April 2004 Item 11.2 Residential Design Codes Review

Comment	Response
<p>Review the Codes and their performance and operation in the Town, specifically identifying and reporting any problems with the Codes and the accompanying explanatory text and suggesting amendments to remedy these problems.</p>	<p>One of the main intensions of the RDE's was to implement better and clearer practice methods to ensure a consistent approach and to integrate future and likely changes in the Codes. The RDE's also aim to provide guidelines that accommodate and enhance the local characteristics of the Town specifically where the Codes are deficient. By developing the RDE Policy, problems and inconsistencies of the Codes have been remedied.</p>

26 August 2003 Item 11.2 Residential Design Codes

Comment	Response
<p>Review the appropriateness and effectiveness of the Town's current Policy No 3.2.9 – Privacy specifically regarding:</p> <ul style="list-style-type: none"> • Overlooking of a property from <ul style="list-style-type: none"> - multiple windows - more than 1 dwelling - windows above the 2nd storey • Implications of reduced setbacks where windows have a sill height of 1.6m (ie no major openings) • Application of current policy. 	<p>The Town's Policy relating to Privacy was superseded with the adoption of the Residential Design Codes, the appropriateness and effectiveness of the Policy is therefore not applicable. The RDEs outline further privacy provisions applicable to the Town in 'Element Seven – Privacy'; as follows:</p> <ul style="list-style-type: none"> • Introduction of horizontal plane of vision which is considered more practical when determining the extent of overlooking. • Given the inner city nature of the Town, the privacy provisions require all screening to be obscure – no perforations are permitted. • Acceptable forms of screening are outlined.

Comment	Response
	<p>With regard to the Notice of Motion, all windows must comply with privacy requirements despite the characteristics of the development (ie where there are multiple windows or windows above 2nd storey). Given the above, potential overlooking in all circumstances is assessed and addressed by the Policy.</p>

<p>8 July 2003 Item 11.2 Review of the Town of Vincent Street Walls and Fences Policy</p>	
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Comment	Response
<p>To consider but not limit itself to; open style fences with a minimum 75% of the surface area being permeable, with any solid component of the wall, excepting piers, being restricted in height to 0.5 metres.</p> <p>Consideration on any implications the proposed changes in Fencing Policy may have for safety, security, privacy, noise and control.</p> <p>Requests the Policy Review to include compliance to the policy.</p>	<p>Consideration was given to restricting the height of front fences to 0.5m with the surface area being 75% permeable as per the Notice of Motion. However, these provisions were considered too prescriptive and not appropriate to the requirements of properties in the Town as they would:</p> <ul style="list-style-type: none"> • Reduce the variety of fencing design style; • Result in a disproportionate design scale (ie a maximum wall height of 0.5m in relation to maximum pier height of 2.0m); • Restrict the use of materials (to wrought iron for example) therefore limiting traditional style fences (for example picket style fencing); and • Reduce the level of privacy a dwelling can obtain. <p>Element Three – Street Walls and Fences promotes and encourages:</p> <ul style="list-style-type: none"> • Diversity in fencing style design; • Active street interaction between built form and the public domain; and • Promotes a ‘sense of security’ by allowing for a certain degree of privacy for the dwelling.
<p>Review the Town’s Street Walls and Fences Policy in light of neighbouring local governments’ greater encouragement of open fences and passive surveillance for improved property security.</p>	<p>The town has its own individual character to retain and other Local Government Policies are not considered appropriate for the Town for the reasons outlined above.</p>

2 December 2003 Item 10.1.16 Policy No. 3.1.14 – Subdivisions requiring Plate Height Development	
Comment	Response
<p>Defers consideration of the existing Town of Vincent Policy No. 3.1.14 – Subdivisions Requiring Plate Height Development, until further clarification of the Town’s threshold for “small lots” is examined and information is provided on how surrounding local government areas manage the issue of appropriate development on small lots.</p>	<p>Refer to Element Nine – Subdivision. The Policy defines and identifies circumstances under which the requirement for construction to plate height is applicable.</p> <p>The Policy defines a “small lot” as ‘a lot comprising less than 250 square metres in land area’; this definition will bring small lot requirements more in line with the Codes however still appropriate to the characteristics of the Town. (Given the inner City nature of the Town where a high proportion of the lots have a density of R40 (and higher), an area of 250 square metres was considered appropriate for small lot subdivision).</p>
	<p>Research of Locality Statements show that majority of lots have lot frontages of 11m - 13m with the exception of the Brentham Locality Statement where lot frontages are significantly greater. The minimum lot frontage expected is 5.5m but this would require a minimum depth of 45m which is not feasible. Given the above, lot frontage of 8m for small lot subdivision was considered appropriate.</p> <p>Officers from the Department of Planning and Infrastructure (DPI) previously advised that they support the application of the Town’s Policy and associated standard condition on subdivision applications (ie when a small lot comprised a land area of 200 square metres or less). The provision for small lot development in the RDEs is therefore considered both appropriate and effective of addressing suitable development on small, narrow and /or irregular shaped lots.</p>

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and the R-Codes.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

There is provision of \$62,000 in the 2004/2005 Budget for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives, amends, rescinds and adopts in the interim, the Policies mentioned above and advertises them in accordance with Clause 47 of the TPS No. 1.

Mayor Catania advised that Cr Farrell had declared a proximity interest in this Item. Cr Farrell departed the Chamber at 9.48pm and did not speak or vote on the matter.

10.2.5 Proposed Trial Modifications - Intersection of Matlock and Dover Streets, Mt Hawthorn

Ward:	North	Date:	16 February 2005
Precinct:	Mt Hawthorn P1	File Ref:	TES0173, TES0293 & TES0279
Attachments:	001:		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed trial modifications at the intersection of Dover and Matlock Streets, Mt Hawthorn;*
- (ii) *APPROVES the installation of a three (3) month trial of the modifications at the intersection of Dover and Matlock Streets, Mt Hawthorn; as shown on attached plan 2331-CP-1, at an estimated cost of \$1,000;*
- (iii) *RECEIVES a further report at the conclusion of the trial period including the results of public consultation; and*
- (iv) *ADVISES the respondents of the outcome.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

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

BACKGROUND:

The Council, at its Ordinary Meeting held on 26 October 2004, considered a report on various matters referred to the Local Area Traffic Management (LATM) Advisory Group amongst which was a resident petition relating to traffic management and parking issues in Dover Street, Mt Hawthorn. Council having considered the report decided as follows in part:

That the Council;

- (i) *RECEIVES the report on Traffic Management matters to be referred to the Town's Local Area Traffic Management Advisory Group - Bourke Street North Perth between Campsie Street and Kayle Street and Dover Street Mount Hawthorn between Scarborough Beach Road and Matlock Street;*

- (ii) *REFERS the two (2) locations listed in the report, and shown on attached Plan No. 2301-CP.1 and Plan A,..... to the Town's Local Area Traffic Management Advisory Group for their consideration;*
- (iv) *RECEIVES a further report on each of the locations once the Town's Local Area Traffic Management Advisory Group have considered the matters.*

In respect of the Dover Street item, it was referred to the Town's LATM Advisory Group, in accordance with the clause (ii) above, at the Group's meeting of 20 December 2004.

DETAILS:

In October 2004 the Town received a 15 signature petition from the residents of Dover Street and those of residents of Matlock Street closest to the intersection of Matlock and Dover Streets. The petition called for various actions to be considered by the Town to reduce perceived traffic and safety issues in Dover Street.

The residents felt that since Killarney Street had been made one-way and the right turn movements at the intersection of Matlock Street and Scarborough Beach had previously been banned (as a Black Spot improvement) it had had a detrimental impact on Dover Street.

The residents were primarily concerned with an increase in traffic volumes using Dover Street, particularly school generated traffic accessing the nearby Mt Hawthorn Primary Schools.

The residents' suggested solution was to turn Dover Street into a cul-de-sac.

Given the issues involved and the potential impact upon the local road network Council at its Ordinary Meeting of 26 October 2004 resolved to refer the matter to the LATM Advisory Group for consideration.

LATM Advisory Group Meeting

The item was listed for discussion at the LATM Advisory Groups meeting held on 20 December 2004 and as is standard practice for the Group's meetings to invite community representatives, three (3) residents of Dover and Matlock Streets were invited to attend.

The group considered the resident's suggestion of making Dover Street a cul-de-sac before concluding that the potential impact of the surrounding local road network would result significant access and permeability issues for residents and general traffic alike.

The traffic data tabled, while indicating that there had been in an increase in traffic using Dover Street as a result of the aforementioned changes in Killarney Street and Scarborough Beach Road was not of a magnitude that it warranted a full or partial road closure.

Therefore rather than close the street the group discussed alternative solutions to address the residents concerns.

The intersection of Matlock and Dover Streets was highlighted by the residents as a safety issue as they felt that south bound traffic in Matlock Street tended to 'cut' the corner at speed when turning right into Dover Street, west bound.

Proposed Trial

It was suggested that to improve the situation that median or splitter islands be installed on each leg of the intersection to better control traffic movements through the intersection. This would prevent the tendency to cut the corner and correctly align vehicles entering the intersection. Further it was felt that it would be preferable trial the changes first and to this end it was suggested that either sand bags or water filled barriers be used for a minimum three (3) month trial period. It was agreed that at the end of the trial the residents would be canvassed for comments and if supported a further report be presented to Council recommending the installation of permanent islands.

Parking

It also became apparent that parking in Dover Street was a contentious issue with residents. The residents felt that Dover Street was ignored by the Rangers and that the nearby businesses regularly used all available parking in the street with disregard to the time restrictions.

The residents were asked to ring Ranger Services and Community Safety if illegally or poorly parked vehicles compromised access to their property, or if vehicles were left in the street for extended periods of time in contravention of the parking restrictions. Further the group agreed that the Rangers would also be requested to regularly monitor parking in Dover Street and compile statistics on any infringements issued.

At the conclusion of the LATM Advisory Groups discussion the following recommendations were adopted for either immediate implementation or further consideration by Council:

Recommended Stage 1.

- An increased Ranger presence and enforcement with data collected on parking infringements issued for a period of a month.
- Improved parking signage and line-marking (as required).
- Trial installation of median/splitter islands in Matlock and Dover Streets to improve vehicle movements through the intersection.

Possible Stage 2.

- Strategically planted street trees to both enhance the street and change the driver's perception of the road environment.
- Speed humps.
- Enhanced/tighter parking restrictions.

Parking data collected for January 2005

Ranger Services and Community Safety advised that the Rangers regularly patrolled Dover Street during the month of January, at differing times of the day, and that no infringement notices were issued during this period. However it was suggested that the adjacent businesses were aware of the increased Ranger presence and ensured that any 'chalked' vehicles were shifted within the required time restriction.

CONSULTATION/ADVERTISING:

That the authors of the petition and those residents who attended the LATM Advisory Group meeting be advised of Council's resolution and asked to convey the information to the other signatories.

LEGAL/POLICY:

The trial, and possible permanent, median/splitter islands would be designed in accordance with relevant Australian and Main Roads WA Standards.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(h) Investigate and implement transport development and management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group and the community."*

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to install and maintain the trial median/splitter islands, with appropriate advisory signage would be in the order of \$1,000, to be funded existing Traffic Surveys budget allocation. If a permanent installation were approved by Council appropriate budget allocation would be included in the 2005/06 draft budget.

COMMENTS:

As indicated in the main body of the report, the LATM Advisory Group meeting of 20 December 2004, at which Dover Street was discussed, included residents of both Dover and Matlock Streets. The residents had previously submitted a petition to Council seeking to have Dover Street made into cul-de-sac.

The LATM Advisory Group, in consultation with the residents in attendance, came to the conclusion that this was not an appropriate course of action and suggested alternate strategies. Some, which were of an administrative nature, such as an increased Ranger presence to ensure compliance with existing parking restrictions, were implemented immediately.

The proposed intersection modifications should go some way to addressing the residents' concerns in respect of traffic management, speed and improving the safety of the intersection. The down side, of which the residents were made aware, is that there would be a loss of on-road parking spaces to accommodate the islands (in accordance with design standards), a loss that they are prepared to accept.

Cr Farrell returned to the Chamber at 9.49pm and was advised that the Item was carried.

10.3.4 Review of the 2004/2005 Annual Budget

Ward:	Both	Date:	28 January 2005
Precinct:	All	File Ref:	FIN0025
Attachments:	-		
Reporting Officer(s):	Bee Choo Tan, M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY ABSOLUTE MAJORITY the following adjustments to the 2004/2005 Annual Budget:

<i>Item</i>	<i>Budget Adjustment</i>	<i>Funding Source</i>	<i>Amount Required</i>	<i>Net Impact</i>
<i>DSR Office Building - requested variations</i>	<i>\$162,719</i>	<ul style="list-style-type: none"> <i>Department of Sport and Recreation</i> 	<i>\$162,719</i>	<i>0</i>
<i>North Perth Bowling Club</i>	<i>\$11,200</i>	<ul style="list-style-type: none"> <i>Forrest Park Accessible Toilet Project</i> 	<i>\$11,200</i>	<i>0</i>
<i>Robertson Park-Wetlands</i>	<i>\$29,600</i>	<ul style="list-style-type: none"> <i>Claisebrook Catchment Group</i> 	<i>\$29,600</i>	<i>0</i>
<i>Brisbane Street Streetscape Upgrade</i>	<i>\$55,000</i>	<ul style="list-style-type: none"> <i>Reallocation of funds from:</i> <i>Contribution to ROW upgrade</i> <i>Naming Rights lighting of dedicated ROWs</i> <i>Drainage study account</i> 	<i>\$15,000</i> <i>\$20,000</i> <i>\$20,000</i>	<i>0</i>
<i>Money Street</i>	<i>N/A</i>	<ul style="list-style-type: none"> <i>Reallocation of funding arrangement</i> 	<i>N/A</i>	<i>0</i>
<i>Les Lilleyman Lighting</i>	<i>\$8,000</i>	<ul style="list-style-type: none"> <i>Increased allocation from income received from the sale of the floodlight poles at Leederville Oval</i> 	<i>\$8,000</i>	<i>0</i>
<i>Leake Street-Alma Road to Vincent Street</i>	<i>\$22,638</i>	<ul style="list-style-type: none"> <i>Funds from Roads to Recovery Program</i> 	<i>\$22,638</i>	<i>0</i>
<i>Menzies Park Pavilion</i>	<i>\$29,500</i>	<ul style="list-style-type: none"> <i>Emergency Building Maintenance Account</i> 	<i>\$29,500</i>	<i>0</i>
<i>Council Chamber Computer Equipment</i>	<i>\$23,600</i>	<ul style="list-style-type: none"> <i>Organisational Review Operating Account</i> 	<i>\$23,600</i>	<i>0</i>
<i>Laser Printer Beatty Park</i>	<i>\$2,310</i>	<ul style="list-style-type: none"> <i>Beatty Park Leisure Centre Reserve Account</i> 	<i>\$2,310</i>	<i>0</i>
<i>Salaries - Law Order & Public</i>	<i>\$78,734</i>	<ul style="list-style-type: none"> <i>Office of Crime Prevention</i> 	<i>\$78,734</i>	<i>0</i>
<i>Ampfest Clash of the Bands 2005</i>	<i>\$27,000</i>	<ul style="list-style-type: none"> <i>City of Subiaco, Claremont, Mosman Park contributions & Healthways Grant</i> 	<i>\$27,000</i>	<i>0</i>
<i>School Holiday Events Budget</i>	<i>\$1,818</i>	<ul style="list-style-type: none"> <i>DSR & Office of Children & Youth Grants</i> 	<i>\$1,818</i>	<i>0</i>
<i>Community Visioning</i>	<i>\$37,485</i>	<ul style="list-style-type: none"> <i>Reallocation of funds from:</i> <i>Car Park Strategy implementation</i> <i>Leederville Master Plan</i> <i>WAPC Network City Communities Program Grant</i> 	<i>\$7,685</i> <i>\$11,800</i> <i>\$18,000</i>	<i>0</i>
<i>Town Planning Schemes Amendment & Policies</i>	<i>\$22,000</i>	<ul style="list-style-type: none"> <i>A portion of the WAPC Network City Grant allocated to this account</i> 	<i>\$22,000</i>	<i>0</i>
<i>Town Planning Schemes</i>	<i>\$14,500</i>	<ul style="list-style-type: none"> <i>Trees of Significant Inventory Review account</i> 	<i>\$14,500</i>	<i>0</i>
<i>Town Planning Legal Expenses</i>	<i>\$60,000</i>	<ul style="list-style-type: none"> <i>Additional Revenue from Development & Building applications</i> 	<i>\$60,000</i>	<i>0</i>
<i>Summer Concerts in the Park</i>	<i>\$7,000</i>	<ul style="list-style-type: none"> <i>Lotterywest and Healthway Grants</i> 	<i>\$7,000</i>	<i>0</i>

COUNCIL DECISION ITEM 10.3.4

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY(9-0)

BACKGROUND:

The Town as part of its management procedures, reviews its Budget on a quarterly basis to make adjustments for any major variations or additional requirements to the adopted Budget.

DETAILS:

A review has been undertaken as at 31 December 2004 to adjust for any major variances or additional items required and the inclusion of previous decisions of the Council.

CAPITAL ACCOUNTS

Land and Building

Department of Sport and Recreation (DSR) Office Building - \$162,719

Additional requests were added to the original scope of the works by DSR for their office building. The additional works are funded by DSR and the monies have been received by the Town.

Funding Implication:

No impact on the financial position as additional expenditure is funded by DSR.

North Perth Bowling Club - \$11,200

The increase in costs is due to the escalation in costs from the adoption of the budget to the commencement of the work and also unknown defects discovered when works commenced. This included additional footings required for load bearing walls and additional costs were incurred as the sand fill beneath the floor was of poor quality and not able to allow suitable compaction to pour the graded concrete set floor.

Funding Implications:

The shortfall is to be funded by reallocating funds from the currently on hold Construct Unisex Accessible Toilet at Forrest Park Reserve. The scope of this project will require additional funds and will be listed for consideration on the 2005/06 budget.

Infrastructure

Robertson Park - Wetlands Feature - \$29,600

Funds were received from the Claisebrook Catchment Group and accrued in the contribution account at the end of the year. These funds need to be added to the Robertson Park Wetlands Feature Account to reflect the total amount of money to be spent on this project.

Funding Implications:

There are no funding implications for this item as the project is externally funded by the Claisebrook Catchment Group.

Brisbane Street Streetscape Upgrade - \$55,000

The additional expenditure is to be incurred in the cost of installation of reticulation, additional street furniture, shrubs and associated works.

This is to be funded from the funds allocated from the following accounts - \$15,000 from the contribution to ROW Upgrades Account which will not be used in this financial year, \$20,000 from the Naming Rights Lighting of Dedicated ROW's, the amount budgeted will not be completely required and a further \$20,000 from the Drainage Study Account which has been carried forward in a number of budgets and is yet to commence.

Funding Implication:

No impact on financial position as funding sourced from the reallocation from the Drainage Study project.

Money Street

The Town has the projects on its budget for Money and Lindsay Streets, both for \$55,000.

Lindsay Street was to be funded by Roads to Recovery funds (RTR) \$30,000 and East Perth Redevelopment Authority (EPRA) \$25,000. Money Street \$55,000 (RTR fund \$29,000 plus EPRA contribution \$26,000).

EPRA have advised that no funds have been allocated in their 2004/05 budget for their contribution to these projects.

Therefore the Lindsay Street will not be undertaken in this financial year and the RTR funds will be used on the Money Street project.

Funding Implication:

No impact on financial position, this represents a change in the funding arrangements.

Les Lilleyman Lighting - \$8,000

The Town received \$8,000 from the sale of the light poles from Leederville Oval, this is to be allocated to the budget for the lights at Les Lilleyman Reserve.

Additional funds required as estimates for lights are slightly higher than the budgeted allocation.

Funding Implication:

No impact on financial position as the additional expenditure sourced from sale of the assets.

Leake Street - Alma Road to Vincent Street - \$22,638

The Roads to Recovery program has advised the Town that we have \$22,638 available to claim from our allocation this financial year.

The project has been selected by the Technical Services staff as requiring urgent attention.

Funding Implication:

No funding implication as expenditure is funded from the Roads to Recovery program.

Menzies Park Pavilion-Covered Verandah - \$29,500

At the Ordinary Meeting of Council on 27 July 2004 the Council resolved to consider the funding of stage 2 of this project at the 2004/05 mid year budget review.

It is proposed that this project can be funded with the use of funds from the Emergency Building Maintenance account.

Funding Implication:

No funding implication as the additional costs will be sourced from another internal account.

Furniture and Equipment

Council Chamber Computer Equipment - \$23,600

The purchase of the computer equipment for the Council Chamber to enhance the Council meeting process was funded by monies included in the Organisational Review Account Budget which is an operating account. This adjustment reflects the transfer of funds from the operating to capital account and is an accounting entry as these items are assets and must be recorded as Capital items.

Funding Implication:

There are no funding implications for this item as it an accounting entry reflecting the transfer of funds from operating to capital expenditure.

Laser Printer Beatty Park - \$2,310

The existing laser printer was irreparable due to wear and tear as a result of the difficult environmental conditions in which it operated. An urgent replacement was received as staff were unable to print at Beatty Park.

Funding Implication:

No funding implication as the required expenditure is to be funded from the Beatty Park Leisure Centre Reserve account.

OPERATING ACCOUNTS

Law and Order, Public Safety - Other

Salaries - \$78,734

This adjustment represents the funding requirements associated with the secondment of the Town of Vincent Safer Vincent Coordinator to the Office of Crime Prevention for 12 months (this includes salary and all associated overheads including FBT and vehicle operating costs. The Office of Crime Prevention are funding the secondment. The secondment was finalised after the adoption of the annual budget.

Funding Implication:

No funding implications for this adjustment as the Office of Crime Prevention funds the secondment.

Education and Welfare, Youth Services

Special Projects - Ampfest Clash of the Bands 2005 - \$27,000

Ampfest Clash of the Bands is a collaborative project involving the City of Subiaco and the Towns of Vincent, Claremont and Mosman Park as sponsored by Healthways, Zenith Music and Satellite Recording Studio. The four councils involved committed \$5,000 towards the project and Healthway has provided a grant of \$12,000 towards the project also. The \$15,000 from the three member councils and the Healthway sponsorship were not included in the original budget, as this commitment was not confirmed until after the finalisation of the budget.

Funding Implication:

No impact on the financial position as additional funds are sourced from grants.

School Holiday Events Budget - \$1,818

The Town of Vincent in conjunction with Freestyle BMX and Headquarters Youth Facility ran Perth Rampage Clinics WA during October 2004. Funding for this event was received from the Department of Sport and Recreation - \$1500 and the Office of Children and Youth - \$1,818. This should be reflected in the School Holiday's Event Budget, grant funding of \$1,500 was included in the budget, therefore the budget requires amendment to reflect the additional \$1,818.

Funding implication:

There are no funding implications as additional expenditure has been funded from external grants.

Community Amenities

Community Visioning - \$37,485

At the Ordinary Meeting of Council on 28 November 2004 Item 10.1.19 the Council resolved to allocate funds to the Community Visioning project which was funded by \$7,685 from the Car Park Strategy Implementation account and \$11,800 from the Leederville Master Plan Account.

The Town received a grant of \$40,000 from the WAPC Network City Communities Program Funding project of which \$18,000 is to be allocated to the Community Visioning project, as per the Council resolution of 21/12/04 Item 10.1.29.

Funding Implication:

No impact on financial position as additional expenditure funded by internal adjustments and funds from the Network City Grant.

Town Planning Scheme Amendment and Policies - \$22,000

A portion of the WAPC Network City grant is to be allocated to the above account.

Funding Implication:

No impact on financial position as expenditure funded from WAPC Network City Grant.

Town Planning Administration Salaries - \$14,500

Provision for a temporary Planning Officer to assist in the Strategic Planning projects is required while the current incumbent is seconded to implement the new Planning and Building module which will be finalised in April 2005.

Funding Implication:

No impact on financial position as the additional expenditure is to be funded from the Trees of Significance Inventory Review account.

Town Planning Administration Legal Expenses - \$60,000

The legal costs associated with the appeal on the development at 128-130 Joel Terrace were \$75,000 plus GST. This will result in the account being overspent by approximately \$30,000 and an allowance for a further \$30,000 is required to cover legal expenses and costs associated with planning appeals for the remainder of the financial year. This additional cost will be funded by the additional revenue anticipated from the Development and Building applications which are currently running 30% and 20% respectively above budget.

Funding Implication:

No impact on financial position as additional expenditure to be funded from additional revenue.

Recreation and Culture

Summer Concerts in the Park - \$7,000

The Town received two grants of \$5,000 each from Healthways and Lotterywest for the Summer Concerts in the Park program. An amount of \$3,000 was estimated in the budget for grant funding and therefore the additional funds available is the amount of \$7,000.

Financial Implication:

No impact on financial position of the Town.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan Amended 2005-2010

Key Result Area 4 – Governance and Management

“4.1 a) Continue to develop a medium to long term Strategic Vision and Financial Plan to ensure the long term financial viability of the Town.”

4.5 e) Adopt “Best Practice” to manage the financial resources and assets of the Town.”

FINANCIAL/BUDGET IMPLICATIONS:

At the end of the second quarter of the financial year, with the inclusion of the requested adjustments there is no change in the financial position.

COMMENTS:

The Town reviews the budget at the end of each quarter, therefore the next review will be conducted at the end of March 2005 and reported to Council in April 2005.

10.4.2 Delegations for the Period 1 October 2004 to 31 December 2004

Ward:	Both	Date:	15 February 2005
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, T Prout		
Checked/Endorsed by:	R Boardman; John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 October 2004 to 31 December 2004 as shown in Appendix 10.4.2; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices to the value of \$19,235.00 for the reasons detailed in this report.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer and Executive Managers exercise the delegated authority in accordance with the Council's policies.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.2. Quarterly reports are reported to the Council.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to Council for a decision to write-off the value of the infringement notice. In these cases it is the opinion of the Manager Ranger Services and Community Safety that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice. The details of the infringement notices are as follows:

Description	Amount \$
Ranger/Clerical Error	\$ 1,885.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$ 3,010.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$ 2,870.00
Breakdown/Stolen (Proof Produced)	\$ 635.00
Details Unknown/Vehicle Mismatched	\$ 1,660.00
Interstate or Overseas Driver	\$ 2,225.00
Signage Incorrect or Insufficient	\$ 255.00
Equipment Faulty (Confirmed by Technicians)	\$ 350.00
Failure to Display Resident or Visitor Permit #	\$ 3,015.00
Penalties Modified	\$ 905.00
Litter Act	\$ 2,275.00
Dog Act	\$ 100.00
Pound Fees Modified	\$ 50.00
TOTAL	\$19,235.00

The majority of reasons are that the resident or a resident's visitor failed to display the required residential parking permit – proof was provided.

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

10.4.8 Audit Committee - Unconfirmed Minutes February 2005

Ward:	-	Date:	14 February 2005
Precinct:	-	File Ref:	FIN0106
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Minutes (unconfirmed) dated 11 February 2005 of the Town's Audit Committee, as shown in Appendix 10.4.8.

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted subject to the Unconfirmed Minutes at Appendix 10.4.8 being amended as follows:

“5.2 Local Government Act and Regulations – Amendments relating to Auditing and Financial Matters

A summary of “New duties of Local Government in Respect to Audit” was tabled and discussed. Copy attached as Appendix 1.

That any changes to the Town of Vincent Audit Committee are to be made after the May 2005 Council Elections.

5.3 Councillor Claims for Reimbursement

The CEO tabled a letter dated 27 September 2004 from the Town’s auditors relating to this matter. Copy attached as Appendix 1 & 2. This matter was discussed in general.”

CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.8

That the Council RECEIVES the Minutes (unconfirmed) dated 11 February 2005 of the Town's Audit Committee, as shown in Appendix 10.4.8 subject to the Unconfirmed Minutes in Appendix 10.4.8 being amended as follows:

“5.2 Local Government Act and Regulations – Amendments relating to Auditing and Financial Matters

A summary of “New duties of Local Government in Respect to Audit” was tabled and discussed. Copy attached as Appendix 1.

That any changes to the Town of Vincent Audit Committee are to be made after the May 2005 Council Elections.

5.3 Councillor Claims for Reimbursement

The CEO tabled a letter dated 27 September 2004 from the Town's auditors relating to this matter. Copy attached as Appendix 1 & 2. This matter was discussed in general."

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.

10.4.10 State Administrative Tribunal

Ward:	-	Date:	15 February 2005
Precinct:	-	File Ref:	LEG0006
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to establishment of the State Administrative Tribunal (SAT) and its impact on the operations of Local Government;*
- (ii) *AUTHORISES the Chief Executive Officer to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal; and*
- (iii) *NOTES that in the first instance, it is proposed to use the Town's senior employees to defend Council decisions in the State Administrative Tribunal.*

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted subject to clause (iii) being amended to read as follows:

“(iii) NOTES that in the first instance, it is proposed to use the Town's senior employees to defend Council decisions in the State Administrative Tribunal, except as required by Council's previous resolution on representation in the Town Planning Appeals Tribunal where Council has overturned the Officer recommendation.”

Debate ensued.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.10

That the Council;

- (i) *RECEIVES the report relating to establishment of the State Administrative Tribunal (SAT) and its impact on the operations of Local Government;*
- (ii) *AUTHORISES the Chief Executive Officer to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal; and*
- (iii) *NOTES that in the first instance, it is proposed to use the Town's senior employees to defend Council decisions in the State Administrative Tribunal, except as required by Council's previous resolution on representation in the Town Planning Appeals Tribunal where Council has overturned the Officer recommendation.*

BACKGROUND:

The purpose of this report is to advise the Council regarding the establishment of the State Administrative Tribunal (SAT) and its impact on the operations of Local Government.

Why the State Administrative Tribunal was created

The SAT was created following recommendations by the Law Reform Commission's 1999 Review of the Criminal and Civil Justice System. Subsequently, a taskforce was set up in March 2001 to develop a model for a civil and administrative review tribunal.

The taskforce surveyed WA boards, tribunals and courts. It also compared the State's system with the newer streamlined systems of administrative review set up by the Commonwealth, New South Wales and Victorian governments.

The WA Civil and Administrative Review Tribunal Taskforce Report identified the benefits of a State Administrative Tribunal as;

- removing confusion in the public mind because one overarching tribunal is identified as the place where they can seek redress;
- creating less formal, less expensive and more flexible procedures than used in traditional courts;
- providing more appropriate and timely means for citizens to obtain administrative justice;
- developing best tribunal practices across various jurisdictions;
- improving public accountability of official decision making; and
- avoiding the ad hoc creation of new tribunals in areas of emerging government decision making.

Establishing the SAT

The Department of Justice's Court Services division was given the task of developing the proposed tribunal.

The Bills creating the SAT were introduced into Parliament in 2003. On 11 November 2004, the Bills were passed into law and on 4 January 2005 the State Administrative Tribunal opened for business.

The SAT has been established as an independent body that makes and reviews a range of administrative decisions.

Individuals, businesses, public officials and vocational boards can bring before the SAT many different types of applications related to civil, commercial and personal matters.

These range from reviews of multi-million dollar tax judgements and dog destruction orders to disciplinary proceedings, guardianship questions and town planning and compensation issues.

The SAT was established by the "State Administrative Tribunal Act 2004" and the "State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004" (Conferral Act).

The Conferral Act refers to more than 130 existing Acts of Parliament, known as enabling Acts. The enabling Acts give the SAT the jurisdiction to make decisions on specific matters.

SAT Approach

The SAT's approach is intended to be informal, flexible and transparent. It;

- aims to make the correct or preferable decision based on the merits of each application;
- is not a court and, therefore, strict rules of evidence do not apply;
- encourages the resolution of disputes through mediation;
- allows parties to be represented by a lawyer, a person with relevant experience or by themselves;
- holds hearings in public in most cases; and
- provides reasons for all decisions and publishes most of them on the website.

Streams

Given its broad jurisdiction, SAT matters are divided into four streams that enable procedures to be adapted to suit the type of matter and the needs of different people who use the SAT. The streams are;

Human Rights

Makes decisions that affect some of the most vulnerable people in the community in relation to guardianship, administration and discrimination, and reviews decisions of the Mental Health Review Board.

Development Resources

Reviews decisions made by Government regarding planning, development and resources, and hears matters relating to land valuation and compensation.

Vocational Regulation

Hears complaints concerning occupational misconduct and reviews decisions concerning licensing.

Commercial and Civil

Deals with strata title and retirement village disputes, commercial tenancy, credit, reviews of State revenue decisions and other commercial and personal matters.

Organisation

A Supreme Court judge is President of the Tribunal. The President is assisted by two deputy presidents, who are District Court judges, and a number of members who are experienced in relevant fields. Their role is to ensure the effective functioning and independence of the Tribunal, and to resolve difficult questions of fact and law. They will also appear on cases where a senior legal presence is required.

The Tribunal falls under the portfolio of the State Attorney General. The Department of Justice's Court Services division is responsible for its administration.

Non-judicial Membership

Many decisions of the SAT are determined by non-judicial members, on their own or in conjunction with other judicial and non-judicial members. Members may be experienced in law or may be experienced in, or have special knowledge of, relevant professions, occupations and fields in which the SAT makes decisions. Members may be permanent or sessional and may be appointed for up to five years.

Staff

The tribunal is supported by an Executive Manager and around 55 full-time staff.

The establishment of the State Administrative Tribunal represents a major reform within the WA systems of justice and public administration. It amalgamates some, or all, of the review, civil and disciplinary functions of nearly 50 industry and public sector boards and tribunals and a number of courts in creating one of the most comprehensive administrative jurisdictions in Australia.

DETAILS:

The SAT legislation affects a number of Acts that are administered by local governments including the Local Government Act 1995, Caravan Parks and Camping Grounds Act 1995, Cemeteries Act 1986 and Dog Act 1976. The legislation imposes some requirement on local governments as decision making bodies. Where a local government is the original decision maker, it must take reasonable steps to notify affected persons of a decision made and, if relevant, tell them of their right to apply to the SAT for a review. That obligation is accompanied by an obligation for a local government as the original decision maker to supply reasons for decisions, including findings of facts and other evidence.

In addition, the functions of a number of boards and tribunals have been fully absorbed by the SAT including;

- Equal Opportunity Tribunal
- Retirement Villages Disputes Tribunal
- Strata Titles Referee
- Town Planning Appeals Tribunal

The disciplinary functions of many vocational groups and boards, including the Builders Registration Board, Land Surveyors Licensing Board and Land Valuers Licensing Board have also been brought under the SAT.

Jurisdiction

The general jurisdiction of the SAT is both an original and a review jurisdiction. The SAT is not limited in scope to the issues raised in, for example, a local government's statement of reasons for decision or to the issues raised in the applicant's application. The width of the powers of the SAT can be seen from the fact that the SAT can either;

1. Affirm a decision;
2. Vary a decision;
3. Set aside a decision of an original decision maker.

Its powers extend to even inviting an original decision maker to reconsider its decision. Upon reconsideration, the local government, as decision maker, may either affirm, vary or set aside its original decision and substitute a new decision.

The Tribunal will not be bound by the strict rule of evidence but is bound by the rules of natural justice and can inform itself on any matter as it sees fit, similar to the Planning Tribunal. The legislation contemplates the SAT having quite broad additional powers. It can order a person who is not a party to proceedings to produce documents or material relevant to proceedings, it may order parties to be joined and can issue a summons to a person to attend and produce documents.

As a general rule, under the scheme of the Act, each party will bear its own costs, though costs may be awarded against a party if the party brought or conducted proceedings frivolously or vexatiously. There is also a provision that costs could be awarded against a party to compensate for any expense, cost, inconvenience or embarrassment. Appeals can be made to the Supreme Court only on a point of law. Factual or opinion evidence errors, as a generality, therefore have no remedy.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil at this stage. However, it is envisaged that there may be increased legal costs, if the Town uses its solicitors to assist in defending appeals.

COMMENTS:

The operations and impact of the SAT will be closely monitored and further reports will be submitted to the Council as and when required.

10.4.11 Town of Vincent Entry Statement - Signage

Ward:	Both	Date:	15 February 2005
Precinct:	All	File Ref:	
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ADDS to the Entry Statement signage wording, at an estimated cost of \$3,000, to reflect the Town's diversity, one of the following;

- (a) "Nurturing our Diverse Community"; or*
- (b) "Celebrating our Diverse Community"; or*
- (c) "Promoting our Diverse Community"; or*
- (d) "Supporting our Diverse Community".*

COUNCIL DECISION ITEM 10.4.11

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That the Item be DEFERRED for further debate during the Budget 2005/06 process.

CARRIED (9-0)

BACKGROUND:

At the Ordinary Meeting of Council held on 10 August 2004, the Council considered a Notice of Motion proposed by Mayor Catania regarding the changing of the Town's Entry Statement Signage to include a statement which reflects the Town's vision and strategic plan.

The Council resolved as follows;

"That the Council;

- (i) ADDS to the Entry Statement signage words, at an estimated cost of \$3,000, to reflect the Town's diversity, from one of the following;*
 - (a) "Nurturing our Diverse Community"; or*
 - (b) "Celebrating our Diverse Community"; or*
 - (c) "Promoting our Diverse Community"; or*
 - (d) "Supporting our Diverse Community"; or*
 - (e) "Racism Free Town"; and*

- (ii) *prior to the final determination of any new or additional signage, SEEKS the advice of the Town's Ethnic Communities to assist in selecting the appropriate expression of support for the community in our Town."*

In accordance with the Council decision, the Town wrote to the Ethnic Communities Council of WA and Multicultural Services Centre of WA seeking their advice on 20 August 2004 and again on 14 October 2004. Several phone messages were also made in November/December 2004. To date no response has been received.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 2.1 - "*Celebrate and acknowledge the Town's Cultural Diversity*".

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to add the additional wording is \$3,000. No specific funding is listed on the 2004/05 Budget and a source of funds will need to be obtained.

COMMENT:

No response has been received from the Ethnic Communities Council. Accordingly, the statement "Racism Free Town" has been deleted from the Officer Recommendation.

The Chief Executive Officer advised that Mayor Catania had declared a financial interest in this Item. Mayor Catania departed the Chamber at 10.00pm and did not speak or vote on the matter.

Deputy Mayor – Cr Ker assumed the Chair.

10.3.2 Investment Report as at 31 January 2005

Ward:	Both	Date:	9 February 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	P Forte		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 January 2005 as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Torre, Seconded Cr Franchina

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

BACKGROUND:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date. Details are attached in Appendix 10.3.2. Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 31 January 2005 were \$10,300,617 compared with \$12,800,853 at 31 December 2004. At 31 January 2004, \$9,951,125 was invested.

Total accrued interest earned on Investments as at 31 January 2005:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	203,217	67.74
Reserve	297,300	215,776	72.58

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

10.4.12 Information Bulletin

Ward:	-	Date:	15 February 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 22 February 2005 as distributed with the Agenda, be received.

Moved Cr Chester, Seconded Cr Franchina

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

That the existing recommendation be numbered clause (i) and a new clause (ii) be added as follows:

“(ii) suburb brochure referred to in Item IB02 be prepared in a format that can be printed from the Town’s website.”

AMENDMENT CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.4.12

That the;

- (i) Information Bulletin dated 22 February 2005 as distributed with the Agenda, be received; and*
 - (ii) suburb brochure referred to in Item IB02 be prepared in a format that can be printed from the Town’s website.*
-

DETAILS:

The items included in the Information Bulletin dated 22 February 2005 are as follows:

ITEM	DESCRIPTION
IB01	Rangers' Statistics for October, November and December 2004
IB02	Progress Report on Local Studies and History Collection - July to December 2004
IB03	Letter from Department of the Premier and Cabinet, Office of the Director General - Designing Safer Communities Fund 2004/05 - Offer of Funding
IB04	Letter from Department of Housing and Works - Smoking Restriction Policy
IB05	Changes to Local Courts

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Public Library Framework Joint Advisory Committee; Trails Reference Panel; Western Australian Water Safety Council (Re-Advertised); Municipal Waste Advisory Council

Ward:	-	Date:	15 February 2005
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Member - Public Library Framework Joint Advisory Committee (Local Government Member);*
- (ii) _____ *be nominated as WALGA Member – Trails Reference Panel;*
- (iii) _____ *be nominated as WALGA Member – Western Australian Water Safety Council (WAWCS) - (Re-Advertised); and*
- (iv) _____ *be nominated as Local Government Member – Municipal Waste Advisory Council (Metropolitan Elected Member).*

COUNCIL DECISION ITEM 12.1

Moved Cr Lake, Seconded Cr Cohen

That nil nominations be made.

CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

BACKGROUND:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS FOR (i) TO (iii) CLOSE COB THURSDAY 17 MARCH 2005.

NOMINATIONS FOR (iv) CLOSE COB FRIDAY 11 MARCH 2005.

Mayor Catania returned to the Chamber at 10.03pm and assumed the Chair and was advised that Items 10.3.2, 10.4.12 and 12.1 were carried.

10.2.3 Further Report - Proposed Traffic Management for Woodstock Street, Mount Hawthorn

Ward:	Both	Date:	16 February 2004
Precinct:	Mt Hawthorn, P1	File Ref:	TES0173&TES0334
Attachments:	001:		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-		

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the Proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn;*
- (ii) *APPROVES in principle the alternative proposal as outlined on attached Plan No. 2287-CP-1A;*
- (iii) *CARRIES OUT further consultation with the residents of Woodstock and adjoining Streets with regard to the proposal, for a period of 21 days; and*
- (iv) *RECEIVES a further report on the alternative proposal, at the conclusion of the community consultation period.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted subject to clause (ii) being amended as follows:

“(ii) APPROVES in principle the alternative proposal as outlined on attached Plan Nos. 2287-CP-1A and B;”

Debate ensued.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECEIVES the further report on the Proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn;*
- (ii) *APPROVES in principle the alternative proposal as outlined on attached Plan Nos. 2287-CP-1A and B;*
- (iii) *CARRIES OUT further consultation with the residents of Woodstock and adjoining Streets with regard to the proposal, for a period of 21 days; and*
- (iv) *RECEIVES a further report on the alternative proposal, at the conclusion of the community consultation period.*

BACKGROUND:

At the Ordinary Meeting of Council held on 9 November 2004, the Council received a further report on the proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn.

It was advised that an initial proposal (as outlined on Plan No 2287-CP-1) was advertised to residents in Woodstock, Fairfield, Shakespeare and Dunedin Streets, Mt Hawthorn and 43 responses were received with thirty five (35) in favour of the proposal, ten (10) partially in favour and eight (8) against the proposal.

In addition, discussions took place with Transperth regarding restricted bus movements resulting from the proposal.

The respondents "partially in favour" expressed concerns regarding the installation of speed humps and there was a suggestion that islands down the centre of the road with trees would be a better option, as no cars currently park along Woodstock Street.

In the report it was considered that while the majority of respondents were in favour of the proposal, some of the issues raised by those opposed to the proposal needed to be further considered. It was suggested that while most respondents were in favour of the proposal it was considered that some of the issues raised by those against should be further investigated.

At the Ordinary Meeting of Council held on 9 November 2004 it was subsequently decided (in part) that the Council:

"refers, for the second time, the proposal as outlined on attached Plan No. 2287-CP.1 and concept Plan No. 2287-CP.1A to the Town's Local Area Traffic Management (LATM) Advisory Group and receives a further report once the LATM Advisory Group has reviewed the matter."

DETAILS:

The alternative proposal for Woodstock Street as outlined on Plan No. 2287-CP-1A was discussed at the Local Area Traffic Management (LATM) Advisory Group meeting held on 14 February 2005.

The group and the invited community representative concurred with the alternative proposal and considered the proposal for the central tree plantings would achieve the intended results as follows:

- Narrowing of the road carriageway without adversely affecting turning movements into adjoining streets.

Comments

There were concerns raised that the embayment proposal (as outlined on Plan No. 2287-CP-1A) would have had an adverse impact on adjoining streets as larger vehicles would not be able to negotiate the intersections on Woodstock Street. In addition, Transperth raised concerns. The alternative proposal addresses these concerns.

- Reduced vehicle speeds will be achieved.

Comments

Experience has shown that there is a correlation with width of road and speed of vehicles, i.e. the narrower the road the slower the 85% vehicle speeds. The lane widths will be reduced to 4.2 metres in either direction with a 1.60 metre wide median strip (painted with centrally planted trees) - refer attached photo of a similar treatment along Scarborough Road.

- Improved visual amenity

Comments

The centrally planted trees will add to the amenity of the street. It is intended to plant Angophorra Costata (Apple Gums)

CONSULTATION/ADVERTISING:

It is recommended that the amended proposal as outlined on Plan No. 2287-CP-1A be advertised to residents who were previously canvassed regarding the proposal.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

FINANCIAL/BUDGET IMPLICATIONS:

Sufficient funds have been allocated in the 2004/2005 budget to enable the current proposal to be implemented.

COMMENTS:

It is considered that the alternative proposal addresses some of the issues raised during the initial consultation, while still achieving the desired result(s).

It is therefore recommended that the Council approves in principle the alternative proposal as outlined on attached plan No. 2287-CP-1A, carries out further consultation with the residents of Woodstock and adjoining streets with regard to the proposal, for a period of 21 days and receives a further report on the alternative proposal, at the conclusion of the community consultation period.

10.2.4 Proposed Embayed Angle Parking - Eastern End of Mary Street, Highgate

Ward:	South	Date:	15February 2005
Precinct:	Mt Lawley Centre P11	File Ref:	PKG0002
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:		Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed Embayed Angle parking - Eastern end of Mary Street, Highgate;*
- (ii) *APPROVES IN PRINCIPLE, the proposal estimated to cost \$30,000 as outlined on attached plan A;*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$30,000 from the Stirling Street Angle Parking project to the Mary Street proposal;*
- (iv) *CONSULTS with adjoining property owners giving them 21 days to provide comments regarding the proposal; and*
- (v) *RECEIVES a further report should any adverse comments be received at the conclusion of the consultation period.*

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That clause (iii) be amended as follows:

“(iii) APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$30,000 (being \$21,000 from the Stirling Street Angle Parking project to the Mary Street proposal and \$9,000 from Cash-in-Lieu);”

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED BY AN ABSOLUTE MAJORITY (9-0)

COUNCIL DECISION ITEM 10.2.4

That the Council;

- (i) *RECEIVES the report on the proposed Embayed Angle parking - Eastern end of Mary Street, Highgate;*

- (ii) ***APPROVES IN PRINCIPLE, the proposal estimated to cost \$30,000 as outlined on attached plan A;***
- (iii) ***APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$30,000 (being \$21,000 from the Stirling Street Angle Parking project to the Mary Street proposal and \$9,000 from Cash-in-Lieu);***
- (iv) ***CONSULTS with adjoining property owners giving them 21 days to provide comments regarding the proposal; and***
- (v) ***RECEIVES a further report should any adverse comments be received at the conclusion of the consultation period.***

BACKGROUND:

At its Ordinary Meeting held on 27 April 2004, the Council considered a Notice of Motion by Cr Chester regarding a proposal to install angle parking in Stirling Street, Highgate, where the following decision was adopted:

"That the Council places on hold its proposal to install embayed angle parking in Stirling Street between Harold and Broome Streets, as funded in the 2003/2004 budget and re-considers the creation and effect of additional parking in adjoining residential streets to service the Beaufort Street commercial strip."

DETAILS:

The Town's officers are currently assessing comments received from the Beaufort Street Parking proposal community consultation. The comments are numerous and varied and a final report will be presented to the Council in the near future.

Notwithstanding this matter, there is need for increased parking in the ever expanding and popular Beaufort strip and to this end the eastern end of Mary Street was recently identified as a possible location for the installation of embayed angle parking.

Similar parking has been implemented in Broome Street, Harold Street and previously in Chatsworth Street.

It is envisaged that the proposed parking be time restricted to 3P as is the case in the Broome Street angle parking

The estimated cost of the proposal as outlined on plan A is as follows:

Removal	\$4,000
Road works	\$6,500
Kerb	\$2,300
Drainage	\$7,500
Paving/brickpaving	\$2,500
Services	\$4,500
Landscaping	\$1,200
Traffic Control / Supervision	\$1,500
Total:	\$30,000

CONSULTATION/ADVERTISING:

Affected residents and businesses will be consulted regarding the proposal.

LEGAL/POLICY

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The proposal estimated to cost \$30,000 as outlined on attached plan A.

It is recommended that the Council APPROVES the reallocation of \$30,000 from the Stirling Street Angle Parking project (2004/2005 budget) to the Mary Street proposal.

COMMENTS:

As previously mentioned in the report there is need for increased parking in the ever expanding and popular Beaufort strip and to this end the eastern end of Mary Street was recently identified as a possible location for the installation of embayed angle parking.

That the Council;

It is therefore recommended that the Council approves in principle, the proposal estimated to cost \$30,000 as outlined on plan A, approves by an absolute majority to reallocate \$30,000 from the Stirling Street Angle Parking project to the Mary Street proposal, consults with adjoining property owners giving them 21 days to provide comments regarding the proposal; and receives a further report should any adverse comments be received at the conclusion of the consultation period.

At 10.10pm Moved Cr Ker, Seconded Cr Torre

That due to the lateness of the hour, Items 10.1.16, 10.1.19, 10.2.2, 10.3.5 and 10.4.3 be DEFERRED to a Special Meeting of the Council to be determined by the Mayor.

CARRIED (9-0)

That due to the lateness of the hour this Item was DEFERRED to a Special Meeting of Council to be determined by the Mayor.

10.1.19 Planning and Building Policies - Amendment No. 13 Relating to Non-Residential/Residential Development Interface

Ward:	Both Wards	Date:	16 February 2005
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001 002 003		
Reporting Officer(s):	K Batina, C Godwin		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES** the:

- (a) *Draft Policy relating to Non-Residential/Residential Development Interface; and*
- (b) *amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15;*

as shown in Attachments 001 and 002;

(ii) **ADOPTS** the:

- (a) *Draft Policy relating to Non-Residential/Residential Development Interface to be applied in the interim; and*
- (b) *amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15;*

- (iii) ***RESCINDS the Policies relating to Non-Residential Uses In/Or Adjacent To Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development, as shown in Attachment 003;***
- (iv) ***ADVERTISES the:***
- (a) ***Draft Policy relating to Non-Residential/Residential Development Interface;***
- (b) ***amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 1; and***
- (c) ***the Policies proposed to be rescinded relating to Non-Residential Uses In/Or Adjacent To Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development;***

for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:

- (d) ***advertising a summary of the subject Draft Policy once a week for four consecutive weeks in a newspaper circulating in the locality;***
- (e) ***where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Draft Policy; and***
- (f) ***forwarding a copy of the subject Draft Policy to the Western Australian Planning Commission;***
- (v) ***after the expiry of the period for submissions:***
- (a) ***REVIEWS the Draft Policy relating to Non-Residential/Residential Development Interface, amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15 having regard for any written submissions; and***

- (b) ***DETERMINES the Draft Policy relating to Non-Residential/Residential Development Interface and amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15 with or without amendment, to or not to proceed; and***
- (vi) ***ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 8 July 2003 relating to commercial and mixed-use developments abutting residential areas, as listed in this report, has been addressed and finalised in the Non-Residential/Residential Development Interface Draft Policy.***

BACKGROUND:

The Council at its Ordinary Meeting held on 8 July 2003 resolved:

"That the Council;

- (i) *requests the Chief Executive Officer to prepare a report in respect of commercial and mixed-use developments abutting residential areas, which specifically addresses aspects such as setbacks, height, bulk, scale, amenity and streetscape, and the use of the car parking allocated for the commercial component and adjoining commercial district by occupiers/visitors of the residential component;*
- (ii) ***REQUESTS the Chief Executive Officer to investigate and/or prepare a new policy or amend the Town's current Planning and Building Policies to include reference to commercial and mixed-use developments abutting residential areas; and***
- (iii) ***RECEIVES the report no later than September 2003."***

DETAILS:

Background

The Notice of Motion was initiated as a result of an application for development for the 'Proposed Demolition of the Existing Lodging House and Construction of a Three Storey Mixed Development Comprising Two (2) Offices, Four (4) Multiple Dwellings and Ten (10) Two Storey Grouped Dwellings, and Associated Undercroft Carparking' at Nos.193-195 (Lot 17) Oxford Street, Leederville which was approved subject to conditions at the Ordinary Council Meeting held on 14 May 2002.

A similar development that was approved subject to conditions at the Ordinary Meeting of Council held on 4 November 2003 on the corner of Matlock Street and Scarborough Beach Road (No.190 Scarborough Beach Road), reinforced the need to provide a more comprehensive policy that provided better guidance for the type and scale of development envisaged for mixed use sites, and measures to protect the residential amenity of abutting properties.

Review of Policies

In preparing the Draft Policy, a review of Policies relating to non-residential, mixed use and commercial development in or abutting residential areas within the Town's Planning and Building Policy Manual has also been undertaken. At the Elected Members Forum held on 14 December 2004, it was resolved that the following policies be collated into one policy:

- Policy No 3.4.3 Non-Residential Uses in/or adjacent to Residential Areas.
- Policy No 3.4.4 Residential Uses in Non-Residential Areas.
- Policy No 3.4.5 Mixed Residential/Commercial Development.

The abovementioned Policies are interrelated in many ways, and consequently there is an overlapping of information between the three Policies. It is therefore considered necessary that the three Policies be consolidated into one policy to clearly and effectively control non-residential development in residential areas. The name given to the Draft Policy is 'Non-Residential/ Residential Development Interface'.

The Policy relating to Oxford Centre Precinct – Scheme Map 4 was not required to be amended as no reference is made within the Oxford Centre Precinct Policy to any current existing policies relating to Non-Residential development in or adjacent to Residential Areas (Policies 3.4.3, 3.4.4 and 3.4.5).

Draft Policy relating to 'Non-residential/ Residential Development Interface'

The Draft Policy relating to 'Non-residential/ Residential Development Interface' endeavours to provide clearer guidance for assessment of large scale developments within the Town adjacent to or within residential areas.

The Draft Policy aims to protect and encourage residential amenity where larger scale developments (that is, mixed use and/or commercial) are proposed. In designing a new development and/or an addition to an existing building, the Draft Policy outlines a number of factors that the applicant must demonstrate as having been taken into consideration, which are listed below:

- the new development or redevelopment of existing buildings being of a type and character appropriate to the immediate area;
- where there is an identified heritage significance, the heritage character of the area is to be retained by the reinforcement of original development patterns and the recycling of existing building stock;
- the new development or redevelopment will not create undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution;
- the proposed land uses, in mixed use developments, being compatible with existing and nearby uses, and take into consideration any impact on residential amenity that the proposed land uses may have;
- the development must be designed to prevent overshadowing and or loss of privacy to adjoining residential properties; and
- the bulk and scale (including height) of the new development or redevelopment being reflective of the established building heights in the immediate area and consistent with the requirements in the relevant Precinct Area and / or Locality Statement.

In preparing the Draft Policy, design elements such as setbacks, height, bulk, scale, amenity and streetscape have all been given due consideration and have been incorporated into the Draft Policy provisions.

Setbacks

The existing Policy stipulates setback requirements for non-residential development in residential areas; however it is silent where non-residential development is proposed adjacent to residential areas. The Draft Policy specifies standards for non-residential development both in and adjacent to residential areas. To ensure that development is compatible with the streetscape of the residential areas, the Draft Policy requires developments to be sympathetic to the predominant streetscape pattern. Where applicable, the relevant Precinct Policy, Residential Design Codes and Residential Design Guidelines can be used as a guide.

The Draft Policy specifies a rear setback requirement of 6 metres where a non-residential development abuts a residential area to the rear to ensure that the amenity of residential properties is retained. The requirements of side setbacks are similar to those of the existing Policy.

Where discretion is sought for a height variation, the Policy has introduced 'staggered' front setbacks for additional storeys, this will ensure preservation of streetscape amenity and pedestrian environment.

Height

The Town recognises that different land use areas within the Town's Precincts and Locality Plans have varying height requirements. Generally, the height requirements of District Centre and Central Areas are to be a maximum of 3 storeys (where 4 storey developments can be considered), and Local Centre and Commercial Areas encourage 2 storeys (where 3 storey developments can be considered). Residential Areas generally impose a height limit of 2 storeys plus loft but they may vary depending on their density, as such residential lots with high densities (ie R80) can potentially have greater heights than residential lots with low densities (ie R30).

Given the above, the height requirements for non-residential development in and abutting residential areas should account for the varying height standards. For example, the height requirement where a non-residential development abuts a R80 lot should be more flexible to where it abuts a R30 lot. Accordingly, different standards have been provided in a table format taking the above into consideration.

The Draft Policy outlines the Town may consider height variations where it can be satisfactorily demonstrated that the development is compatible with the streetscape and that no unreasonable loss of amenity will result to the pedestrian environment at street level and neighbouring properties. Where proposals include an additional storey, it is encouraged the storey is to be setback 4 or 6 metres accordingly, from the building line to reduce the impact of bulk and scale on the pedestrian environment.

Generally, the height limit proposed for non-residential development in or abutting residential areas is 2 storeys (where 3 storeys may be considered) however, in certain circumstances, 3 storeys is permitted (where 4 storeys may be considered). The rationale behind allowing 3 (and potentially 4) storeys is that the probability of a Mixed Use and Commercial development is greater in appropriately zoned areas with a density of R60 or R80. To limit the height of development on such development sites to two storeys plus loft is considered to contradict the development potential that is implied by the assigned densities for some sites. Given that 3 (and potentially 4) storey development is only permitted in certain circumstances (for example, when a District Centre zone abuts a R80 lot), the amenity of residential areas, particularly low density areas, is protected.

Bulk & Scale

Often interrelated, these two elements have also been considered in preparing the Draft Policy. The same basic principles have been transferred from the existing Policies, stated above. In addition, the Draft Policy provisions now include a requirement for designs to include such features as awnings, landscaping and seating where appropriate at street level to ensure building elevations provide interest and richness.

Guidance has also been provided for any development located on corner sites, encouraging similar scaled street facades to both the primary and secondary streets.

Car Parking, Access and Traffic

Stricter provisions now apply to car parking requirements for the mixed use and commercial developments, with reference made to the Policy relating to Parking and Access for car parking requirement calculations. In addition, the Draft Policy limits the number of crossovers permitted per site to one, unless the subject property is situated on a corner lot, where two crossovers are permitted (one off each abutting street). Where a development abuts a 'blue road', the application will be referred to the relevant authority for comments.

Where applicable, via the provisions of the Draft Policy, the Town can now request traffic impact studies be undertaken where it is anticipated that the impact of the development on traffic movement onto abutting streets and within the development itself will be significant.

To encourage activated streetscapes and a higher level of pedestrian amenity, where possible, vehicle access to on-site parking is to be provided from a right of way.

Urban Design

A concerted effort has been made to introduce more prescriptive urban design measures to guide developers and ensure that the pedestrian environment, streetscape and the amenity of adjoining properties is preserved as much as possible. Such measures include the following:

Façade Height

Where non-residential developments in or abutting residential areas are seeking discretion for an additional storey, the Draft Policy imposes maximum façade heights. These guidelines have been provided to limit the impact of the building height on the pedestrian environment and the amenity of adjoining properties.

Buffer Sites

In addition to the above, the important function of 'buffer sites' as transitional filters between active commercial and non-residential areas and adjoining residential areas has been recognised within the Draft Policy. For this reason, certain variations can be supported for development on 'buffer sites' that would not otherwise be supported for other development sites within the Town, in the interest of preserving the amenity of adjoining properties as much as possible.

Separation of Uses

For Mixed Use developments, the Draft Policy requires that the various uses have separate and distinct entrances and 'use areas', in particular for the residential uses. The 'use areas' include separate bin collection points, letterboxes and drying areas.

Privacy and Overshadowing

To ensure that the amenity of residential properties is retained specifically relating to overlooking and overshadowing, the Draft Policy requires that non-residential development must comply with the privacy and overshadowing requirements of the Residential Design Codes to prevent loss of privacy or overshadowing on the adjoining residential properties.

CONSULTATION/ADVERTISING:

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

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.

Action Plans to implement this strategy include:

- c) *Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision, to:*
- *encourage hubs or centres of community within the Town;*
 - *review residential densities;*
 - *review zoning."*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2004/2005 Budget allocates \$130,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Draft Policy has been prepared to address applications for non-residential developments in and abutting residential areas. It is proposed that this Draft Policy will negate the need for existing Policies relating to Non-Residential Uses In/Or Adjacent to Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development. In light of the above, it is recommended that the Council rescinds the Policies relating to Non-Residential Uses in/or Adjacent to Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development, approves and advertises the Draft Policy relating to Non-Residential/Residential Interface, and acknowledges the Notice of Motion resolved at the Ordinary Meeting of Council on 8 July 2003 relating to commercial and mixed use development abutting residential areas has been addressed by the Draft Policy and can now be finalised.

That due to the lateness of the hour this Item was DEFERRED to a Special Meeting of Council to be determined by the Mayor.

10.2.2 Further Report - Proposed Streetscape Upgrade in Brisbane Street Between William and Beaufort Streets, Perth

Ward:	South	Date:	14 February 2005
Precinct:	Hyde Park P12	File Ref:	TES0027
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposed Streetscape Upgrade in Brisbane Street between William and Beaufort Streets, Perth;*
- (ii) *APPROVES the implementation of the proposed works, as shown on the amended Plan No. 2323-CP-2, estimated to cost \$205,000;*
- (iii) *NOTES the funding sources identified to fund the additional works, as outlined in the report, have been included in the midyear budget review; and*
- (iv) *ADVISES the residents and businesses of Brisbane Street of its resolution.*

BACKGROUND:

The Council has allocated \$150,000 in the 2004/2005 budget to upgrade the streetscape in Brisbane Street between William and Beaufort Streets. The scope of the proposed works includes new kerbing, upgrading the existing slab footpaths to a brick paved standard, new street trees, street furniture and, where required, new parking signage and line-marking.

A report on the proposal was considered by the Council at its Ordinary Meeting held on 8 February 2005, where the following decision was adopted:

"That the Council;

- (i) *RECEIVES the report on the proposed Streetscape Upgrade in Brisbane Street between William and Beaufort Streets; Perth;*
- (ii) *APPROVES the implementation of the proposed works, as shown on attached Concept Plan No. 2323-CP-1, estimated to cost \$150,000;*
- (iii) *ADVISES the residents and businesses of Brisbane Street of its resolution; and*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$60,000 to this project and the Chief Executive Officer to identify a suitable source of funds."*

DETAILS:

The report presented to Council indicated *there is also little scope to install garden beds in the verges as the funds allocated by the Council do not allow for inground reticulation.*

The cost to connect to the Birdwood Square bore and install reticulation, including additional planting and reinstatements, is in the order of \$60,000.

In accordance with clause (iv) of the Council's decision, the officers have carried out a detailed assessment of the requirement to provide inground reticulation as part of the streetscape upgrade proposal.

The estimated cost of the streetscape upgrade proposal, including the inground reticulation, is as follows:

Kerbing and footpath upgrade	\$135,000
Line marking/signage	\$2,500
Reticulation	\$33,000
Trees (Eucalyptus ficifolia) Red Flowering Gum	\$6,000
Shrubs (Grevillea thelmainiana) Spider net	
Grevillea	\$3,000
Street Furniture	\$13,500
Traffic Control / Services / Supervision	\$12,000
Total:	\$205,000

CONSULTATION/ADVERTISING:

Residents and businesses will be advised of the proposed works by way of Information Bulletin prior to commencement.

LEGAL/POLICY

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported to the Council, the 2004/2005 budget includes an amount of \$150,000 for the proposed works. To provide inground reticulation, street furniture, shrubs, additional traffic control, allowance for services etc., the estimated cost is \$205,000.

Therefore an additional \$55,000 will be required to complete the project. It is suggested this amount can be sourced from:

- Contribution to ROW upgrades - \$15,000 - none required (2004/2005) to date
- Naming and Lighting of dedicated ROWs - \$20,000 - current program nearing completion. Unspent funds remaining
- Drainage Study - \$20,000 - MOU with Water Corporation on hold.

COMMENTS:

The officers have reassessed the project to include the inground reticulation as requested by the Council.

It is therefore recommended that the Council approves the implementation of the proposed works, as shown on the amended plan No. 2323-CP-2, estimated to cost \$205,000, notes the funding sources identified to fund the additional works, as outlined in the report, have been included in the midyear budget review and advises the residents and businesses of Brisbane Street of its resolution.

That due to the lateness of the hour this Item was DEFERRED to a Special Meeting of Council to be determined by the Mayor.

10.3.5 Hyde Park Stage Upgrade - Progress Report

Ward:	South	Date:	11 February 2005
Precinct:	Hyde Park-P12	File Ref:	RES0016
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report on the Hyde Park Stage upgrade;*
- (ii) *RECEIVES a further report on the Hyde Park Stage with an amended design and revised cost estimates by April 2005; and*
- (iii) *AUTHORISES the Chief Executive Officer to investigate external sources of funding for this project.*

BACKGROUND:

At the Ordinary Meeting of Council on 8 June 2004 the following resolution was adopted.

"That the Council;

- (i) *RECEIVES the report on the community consultation on the design concepts for the Hyde Park Stage upgrade;*
- (ii) *AUTHORISES the Chief Executive Officer to engage an appropriately qualified professional to prepare a detailed design on the stage upgrade based on the design concepts prepared and utilising the criteria listed; and*
- (iii) *RECEIVES a further report on the design for the Hyde Park stage upgrade."*

Furthermore, at the Ordinary Meeting of Council on 23 March 2004 the following resolution was adopted.

"That the Council;

- (i) *RECEIVES the concept designs as selected by the Hyde Park Working Group;*
- (ii) *ADVERTISES the concept designs for community comments for six (6) weeks; consulting on but not limited to:*
 - (a) *suitability for community needs;*
 - (b) *extent of facilities proposed; and*
 - (c) *general design;*
- (iii) *ARRANGES a Community Briefing for interested parties on the Hyde Park Stage Concepts; and*

- (iv) *ALLOCATES an amount of \$50,000 for the upgrade of Hyde Park Stage for consideration in the Draft 2004/05 Budget.*”

DETAILS:

The Executive Manager Corporate Services met with Peter Hunt Architects to outline the brief and the criteria for the upgrade. At the meeting the architects were shown the selected work from the TAFE students. The students plan, concepts and models were taken by the architect to use in formatting the design. In taking the criteria into account, the architect has prepared the design as illustrated in Attachment 1.

The cost of this design as presented has been estimated by Rawlinsons Quantity Surveyors as being \$450,000. The amount of \$370,000 being the construction with the rest comprising consultant fees, contingencies and artwork.

The roof structure is estimated to cost \$150,000. This concept design has included changerooms and stores in the design, which also has a significant impact on the overall costs. These changerooms and stores may be removed from the design and this would have an impact on the costings. Even if these were removed from the current design the cost would still remain significantly over budget. The shortfall could be sought from external funding agencies that support community facilities, these would include Lotterywest, Healthway, etc. The architect will be contacted to amend the design and submit new costings

CONSULTATION/ADVERTISING:

This concept has not been advertised.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan-Amended 2005-2010
Key Result Area 1 – Environment and Infrastructure

- 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.

“h) Continue to design and implement infrastructure improvements for public open space.”

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$50,000 has been allocated for this project in the 2004/05 budget.

COMMENTS:

The design concept submitted is of high quality and has included the use of good expensive materials, however this exceeds the allocated budgeted funds for this project.

External funding sources can be sought to provide funds once a final design is agreed.

It is recommended that the architect submit an amended design more in line with the budgeted funds.

That due to the lateness of the hour this Item was DEFERRED to a Special Meeting of Council to be determined by the Mayor.

10.4.3 Amendment No. 20 to Planning and Building Policies - Non-Variation of Specific Development Standards and Requirements, and Associated Delegation of Authority

Ward:	Both Wards	Date:	10 February 2005
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	D Abel		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, as shown in the Attachment;*
- (ii) *ADOPTS the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, to be applied in the interim;*
- (iii) *ADVERTISES the draft Policy relating to Non-Variation of Specific Development Standards and Requirements for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *reviews the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, having regard to any written submissions; and*
 - (b) *determines the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, with or without amendment, to or not to proceed with them; and*
- (v) *pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY, the following delegation of the exercise of its powers and duties to the Chief Executive Officer:*

No.	Area	Description of Council Function Delegated to the Chief Executive Officer from Council	Assignee(s)	Conditions
105	Planning, Building and Heritage Services	<p><i>Authority to exercise discretion and to refuse planning applications for development that involves an 'X' use (a use that is not permitted), pursuant to clauses 13 and 38 and the Zone Table of the Town of Vincent Town Planning Scheme No. 1.</i></p> <p><i>(An 'X' use is not a 'non-conforming' use if it is not contained in the Town of Vincent's adopted Non-Conforming Use Register.)</i></p>	EMEDS MPBHS	<p><i>(i) The 'X' use is a use that is not permitted as classified pursuant to clause 13(2) Use of Land in a Scheme Area and Zone Table of TPS No.1.</i></p> <p><i>(ii) The 'X' use is not a 'non-conforming' use contained in the Town of Vincent's adopted Non-Conforming Use Register.</i></p> <p><i>(iii) Report to the Council on a quarterly basis.</i></p>
106	Planning, Building and Heritage Services	<p><i>Authority to exercise discretion and to refuse planning applications for development that involves a variation to a development standard or requirement specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements, pursuant to clause 38 of the Town of Vincent Town Planning Scheme No. 1.</i></p>	EMEDS MPBHS	<p><i>(i) The development standard or requirement proposed to be varied is as specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements.</i></p> <p><i>(ii) The development will unduly adversely affect the orderly and proper planning and conservation of the amenities of the locality, as determined by the CEO, EMEDS or MPBHS.</i></p> <p><i>(iii) Report to the Council on a quarterly basis.</i></p>

BACKGROUND:

Recommendations 6 and 41 of the *Town of Vincent - Report of the Independent Organisational Review*, dated April 2003, states as follows:

'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.'

The Town's Manager Planning, Building and Heritage Services has undertaken a comprehensive review of the existing delegations and the discretionary provisions of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes, while striving to achieve the above recommendations of the Report of the Independent Organisational Review.

The outcome of the review has been the subject of items discussed at the Elected Members Forums held on 2 November 2004 and 30 November 2004.

DETAILS:

The draft new Policy relating to Non-Variation of Specific Development Standards and Requirements was developed as part of the above review of the existing delegations and the discretionary provisions. The draft new Policy define the development standards and requirements of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes, which the Town will not vary, in order to achieve a reasonable level of amenity, whilst providing for consistency in the application of such standards and requirements and minimising delay in processing, preparing, assessing and determining development applications. The draft new Policy is included as an attachment to this Agenda report.

An outcome of the Elected Members Forum held on 30 November 2004, was that Elected Members were prepared to consider delegating authority to the Chief Executive Officer, Executive Manager Environmental and Development Services and/or Manager Planning, Building and Heritage Services to refuse planning applications for inappropriate development. In this context, inappropriate development is considered to be development that involves an 'X' use (a use that is not permitted), or involves a variation to a development requirement specified in the draft new Policy relating to Non-Variation of Specific Development Standards and Requirements.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

'1.3 Develop, implement and promote sustainable urban design.'

'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:

The current 2004/2005 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that Council receives and adopts the draft new Policy relating to Non-Variation of Specific Development Standards and Requirements to be applied in the interim, and advertises the draft Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1.

It is further recommended that Council approves the delegation of authority to refuse planning applications for development that involves an 'X' use (a use that is not permitted), or involves a variation to a development requirement specified in draft new Policy relating to Non-Variation of Specific Development Standards and Requirements.

The review of the remaining existing delegations and the discretionary provisions of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes require further addressing as a result of the above Elected Members Forums. The outcome of this further review will be presented to an Ordinary Meeting of Council for formal consideration by the Council.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.10pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Assistant (Minutes Secretary)

1 Member of the public

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 February 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005