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(23 NOVEMBER 2004)

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 23 November 2004, commencing at 6.05pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.05pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell North Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward (from 6.10pm)
Cr Caroline Cohen	South Ward (from 6.11pm)
Cr Helen Doran-Wu	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward (from 6.06pm)
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)
Jim Newham	Environmental Health Officer – Award Recipient (until 6.50pm)
Mark Fletcher	Journalist – Voice News
Matt Zis	Journalist – Guardian Express (until 10.00pm)

Approximately 21 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Paul Kotsoglo of PO Box 8701, Perth Business Centre and on behalf of Mr Hugh Plaistowe and Mr Brett Owen of Jasmin and Royal Silk Pty Ltd – Item 10.1.8 – Advised that he has made a submission with regards to this proposal. Stated that he had requested to look at the application form but was denied access even though the application included land that he owned. Has since been advised by the Town that this was a mistake. Stated that the applicant had advised that they had ten carparking bays, two of which are owned by himself and was told that this was okay. Does not believe that this is okay and believes that the application is invalid and should never have been advertised and should definitely not be considered at tonight's meeting.

Asked the following question:

- Q1. In accordance with Clauses 35 and 45 of the Town's Town Planning Scheme, was the application's deemed refusal period extended in writing before the conclusion of that sixty days?

The application is now deemed to be refused if it was lodged on 16 September, therefore unable to be considered tonight.

Mayor Catania advised that this Item had been withdrawn.

The Chief Executive Officer advised that in accordance with the Town of Vincent Local Law Relating to Standing Orders, he made a decision to withdraw the Item to allow for further investigation to be carried out. The question would be taken on notice and a written response will be provided as soon as practicable.

Mayor Catania advised that the other Item withdrawn tonight is Item 10.3.8 – Cultural Development Seeding Grant Application.

Cr Chester entered the Chamber at 6.10pm.

2. Ms Marie Slyth of 89 Carr Street, West Perth – Item 10.1.14 – Stated that the decision of the Town Planning Appeal Tribunal is a scary scenario for all people living in the Town because it gives the impression that Council's planning guidelines have little clout and this case make a mockery of the Town of Vincent Vision 2024 which is already clearly favouring the retention of precious heritage streetscapes. Believes Carr Street between Cleaver and Charles Streets is a very special streetscape and ambience which has remained the same for the past 80 years. Appealed to the owners to recognise the close community atmosphere that presently exists in the Cleaver Precinct and reconsider their development plans and build the 3 storey grouped dwellings behind a single storey home at street level and retain the existing house setbacks. Requested that the new owners discuss this with the neighbours in the area/street.

Cr Cohen entered the Chamber at 6.11pm.

3. Mr Mike Jones of 7A Keane Street, Peppermint Grove – Item 10.2.1 – Stated that the strata owners are very supportive of the streetscape plan and appreciate the consultation undertaken and the discount offered. Requested that the Council consider this project its own responsibility. Stated that the verges are very narrow around the shopping centre and to carry out the project it will have use some private land, therefore requests that the Council consider waiving the fees or giving a further reduction.
4. Mr Dan Caddy of 1 Eucla Street, Mt Hawthorn – Item 10.1.21 – Referred to the article in the Voice News. Expressed concern that this Item was not available to the public on the Town's website. Believes that this issue needs to be in the public domain in order to provide unchallengeable legitimacy any final decisions made. Believes that the owner has done an exceptional job with dealing with the social issues.

5. Ms Deborah Kounis of 39 Angove Street, North Perth – Item 10.1.9 – Advised Council of where the sign would be positioned. Stated that the wall has carbays immediately in front of it and faces a garage station. Believes that the signage is necessary for the business to succeed and requested the size of the signage because of carbays immediately in front of it. Stated that the signs are simple in design and has a signed letter of support from the neighbours who face the signage.
6. Mr Perry Robinson of 51 Mary Street, Highgate – Item 10.1.5 – Stated that the shop has been empty for approximately 18 months and has had a lot of interest but due to the parking cash-in-lieu, has remained empty. Advised that he had contacted the Council on several occasions to find out what the cash-in-lieu was used for and was given different advice each time. Stated that the application is for a furniture and effects shop with a coffee corner. Referred to the advice from the Town to relocate the toilet. Stated that the sewer line for the building is on the upper floor and would need extensive new sewer put in to relocate on the lower level. Concerned that he cannot get a ruling from the Town on whether or not the toilet has to be relocated. Urged Council to vote for no payment for parking and leave the toilet where it is indicated on the drawings.
7. Mr Robert Sewen representing the Scout Association of Australia of PO Box 467, West Perth – Item 10.1.13 – Requested that Council approves the demolition of the building. Stated that the Scout Group has not operated from East Street since 1993, there is little likelihood of reforming a First Mt Hawthorn Scout Group within the next 10 years and the program would be best delivered from a suitable community facility. Advised that the Scout Institution is not a Club operating from Club buildings, it is a volunteer organisation engaged in education and young people development programs and not involved in sport and recreation. Referred to the Town's Heritage Assessment.
8. Ms Rebecca Cook of 11 Gerald Street, Mt Lawley – No Item – Concerned about the proposed implementation of the parking restrictions in Gerald Street. Stated that the street is only 100 metres long and there will be 10 parking signs. Referred to the exemptions noted in the letter sent out. Does not believe that their crossover is suitable and would require considerable cost to upgrade the services.
9. Mr Tom Wilson on behalf of Mr Randall of the Paddington Ale House – Item 10.1.21 – Referred to the presentation given to Council by Mr Randall the previous Tuesday. Advised of initiatives undertaken to minimise the effect on the residents with regards to parking. Stated that there was a residents meeting in December 2003 and that they have only received five or six complaints since then. Believes they are a very professional organisation and manages the crowd very well. Stated that they are seeking a 50 person increase every three months for twelve months and will be happy to review this every three months to see if there has been any adverse affects on the community.

10. Mr John Welch of 83 Anzac Road, Mt Hawthorn – Item 10.1.3 – Referred to the concerns regarding the balcony. Stated that the balcony faces north/south and is designed to offer a view over the courtyard garden of the proposed house and that the east side of the balcony is screened. Advised that the neighbours at 81 Anzac Road have no objections to the proposed balcony. Believes the balcony meets requirements and will not present a privacy problem and asked that Council support the application.
11. Mr Ken Fraser, Project Manager for the development – Item 10.1.14 – Referred to the points made by a previous speaker. Requested that Council approve the conditions as stated in the report. Advised that the applicants are the owners of the property and have been living in the property for over 50 years and this will allow them to stay at this address. Stated that the adjoining neighbours have given their approval for the development. Advised that he would be happy to speak with Ms Slyth regarding her concerns.
12. Mr Larry Gallagher of 24 Almondbury Road, Mt Lawley – Item 10.1.7 – Referred to condition (i)(d)(2). Stated that he was surprised with this condition and believes the reduction would compromise the architectural integrity significantly. Requested that Council remove this condition and allow the 62.5 m² as submitted.
13. Ms Christine Lockland of 54 Federation Street, Mt Hawthorn – Item 10.1.13 – Believes that Scout Hall does have significant cultural heritage value and should be retained. Outlined her views of the cultural heritage. Believes that it is imperative that key iconic buildings such as the Scout Hall are retained and used for an alternative purpose.
14. Mr Peter Rose of 497 William Street, Perth – Item 10.1.12 – Objects to two dwellings being built on this lot. Believes that the amenity of the immediate area would be affected and that the development should comply with the Codes.

Mayor Catania advised that the owners have requested that this Item be deferred.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

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

Moved Cr Ker, Seconded Cr Torre

That Council APPROVES Leave of Absence for:

- (i) *Cr Helen Doran-Wu for the period 12 December 2004 to 3 January 2005 inclusive for personal reasons; and*
- (ii) *Cr Caroline Cohen for the period 15 to 30 December 2004 inclusive for personal reasons.*

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 9 November 2004

Moved Cr Ker, Seconded Cr Torre

That the Minutes of the Ordinary Meeting of Council held on 9 November 2004 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for November 2004

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$75 voucher and a Certificate. Also their photograph is displayed in the Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For November 2004, the award is presented to Jim Newham, Environmental Health Officer in the Town's Health Services. Jim was jointly nominated by the Manager Health Services, Deon Brits and Senior Environmental Health Officer, Alison Bosworth for his continued dedication and hard work in relation to the Town's Food Sampling Programs.

The Town has for the second time received commendation from the Local Health Authorities Analytical Committee, which oversees all Local Government Food Monitoring in WA.

Jim has tirelessly undertaken the food sampling for numerous projects which have been coordinated by the Western Australian Food Monitoring Group.

This collaborative approach assists in obtaining a broader understanding of the chemical and bacterial levels that the community may be exposed to when consuming particular foods. The Local Health Analytical Committee stated that *"This is a very pleasing contribution from the Town of Vincent... the chemical analysis of food is an important service to the residents of our State..."*

In addition, Jim is responsible for the sampling and monitoring of water from all 19 public swimming pools within the Town, to ensure that the water chemical and microbiological levels are within the safe levels, particularly during the very hot weather.

The Employee of the Month award is in recognition of Jim's tremendous efforts in this work.

Well done Jim - Keep up the good work!!

Received with acclamation.

7.2 Anzac Cottage: Presentation of Limited Edition Print by the Vietnam Veterans Association of Australia (WA Branch)

On 11 November 2004, Cr Ker deputised for myself at a ceremony held at ANZAC Cottage to unveil a painting of the cottage by Ron Tapper. Cr Ker has advised as follows;

"The Town was specifically invited to this presentation to recognise the support from the elected Council and from the Town's officers for the restoration and heritage retention program that has been undertaken over recent years.

Many people will not be aware that this support dates right back to the early days of the Town of Vincent, including a substantial financial donation from the Town's first Mayor, the late Jack Marks.

ANZAC Cottage is an important part of the heritage of Vincent for both its physical and its social heritage. The community aspect has been continued in the recent restoration, with the program being undertaken by volunteers.

Peter Ramsay, President of the Vietnam Veterans Association of Australia, WA Branch, presented the Town with a numbered limited edition print of Ron Tapper's painting of ANZAC Cottage in recognition of our support for the restoration.

The edition is limited to 88 - the significance of the number being that ANZAC Cottage was built in 1916 and is therefore 88 years old.

The print presented to the Town is number 5.

Number 1 was presented to a lady who has been the driving force behind the restoration. Number 2 was presented to the wife of the Governor of Western Australia. Number 3 was presented to the Director of Hollywood Hospital, which provides essential services to the war veterans of Western Australia.

So we are in very good company!

A further connection to the Town is that the artist, Ron Tapper, is a previous winner of the Town of Vincent Art Award. Ron mentioned to me that winning the award had been a bit of a mixed blessing as he had not realised, when he entered, that it was an acquisitive award - so he had to paint a second picture, as the one he entered had been intended for the Dean of St George's Cathedral.

The painting will be framed and displayed in the Administration and Civic Centre."

Thank you Cr Ker for attending this ceremony and representing the Town on my behalf.

7.3 Withdrawal of Agenda Item 10.3.8 - Relating to a Cultural Development Seeding Grant

This item is withdrawn as the matter has been previously considered by the Council.

7.4 Withdrawal of Agenda Item 10.1.8 - Relating to 255 Beaufort Street, Perth

This item has been withdrawn from tonight's Agenda, to allow for further investigation to be carried out.

8. DECLARATION OF INTERESTS

Cr Torre departed the Chamber at 6.55pm.

8.1 Mayor Catania declared a financial interest in Item 10.3.2 – Investment Report. 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 10.2.4 – Creation of Additional Time Restricted Parking Spaces in Carr Place and Newcastle Street, Leederville. The nature of interest being that he works in a building in Carr Place.

8.3 Cr Lake declared an interest affecting impartiality in Item 10.2.1 – Further Report – Proposed Streetscape Improvements, Fitzgerald Street Business Precinct, North Perth.

Mayor Catania sought advice from the Chief Executive Officer as to whether he was required to declare an interest in Item 10.2.1 – Further Report – Proposed Streetscape Improvements, Fitzgerald Street Business Precinct, North Perth.

Cr Chester departed the Chamber at 6.56pm.

Cr Chester and Torre returned to the Chamber at 6.57pm.

Cr Torre departed the Chamber at 6.58pm.

Cr Torre returned to the Chamber at 6.59pm.

8.4 Mayor Catania declared a proximity interest in Item 10.2.1 – Further Report – Proposed Streetscape Improvements, Fitzgerald Street Business Precinct, North Perth. The nature of his interest being that he owns property in the area, at the corner of Fitzgerald and Menzies Streets, North Perth.

Mayor Catania requested that he be permitted to remain in the Chamber during discussion on the Item and participate in the discussion but not vote.

Deputy Mayor, Cr Ker, assumed the Chair at 7.00pm and Mayor Catania departed the Chamber, whilst the Council considered the Mayor's request.

Moved Cr Torre, Seconded Cr Franchina

That Mayor Catania be permitted to remain in the Chamber and participate in debate in Item 10.2.1 – Further Report – Proposed Streetscape Improvements, Fitzgerald Street Business Precinct, North Perth but refrain from voting.

The Chief Executive Officer advised Elected Members about proximity issues on this matter.

Debate ensued.

CARRIED (7-0)

(Cr Farrell was an apology for the meeting. Mayor Catania was absent from the Chamber and did not vote.)

Mayor Catania returned to the Chamber at 7.05pm and assumed the Chair.

The Chief Executive Officer advised the Mayor of the Council's decision.

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

Nil.

10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.14, 10.2.1, 10.1.21, 10.1.9, 10.1.5, 10.1.13, 10.1.3, 10.1.7 and 10.1.12

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

Items 10.1.19, 10.2.1, 10.2.6, 10.3.9, 10.4.3 and 10.4.4

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

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

Cr Ker	Items 10.1.10 and 10.2.5
Cr Lake	Nil
Cr Chester	Items 10.1.1, 10.1.2, 10.1.17 and 10.2.2
Cr Torre	Nil
Cr Doran-Wu	Nil
Cr Cohen	Nil
Cr Franchina	Nil
Mayor Catania	Item 10.1.11

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

Cr Doran-Wu departed the Chamber at 7.05pm.

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

Items 10.2.1, 10.2.4 and 10.3.2

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

Items 10.1.4, 10.1.6, 10.1.15, 10.1.16, 10.1.18, 10.1.20, 10.2.3, 10.2.7, 10.3.1, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.7, 10.4.1, 10.4.2, 10.4.5 and 10.4.6

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 10.1.4, 10.1.6, 10.1.15, 10.1.16, 10.1.18, 10.1.20, 10.2.3, 10.2.7, 10.3.1, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.7, 10.4.1, 10.4.2, 10.4.5 and 10.4.6

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

Items 10.1.14, 10.2.1, 10.1.21, 10.1.9, 10.1.5, 10.1.13, 10.1.3, 10.1.7 and 10.1.12

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

Cr Doran-Wu returned to the Chamber at 7.06pm.

Moved Cr Ker, Seconded Cr Torre

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.6, 10.1.15, 10.1.16, 10.1.18, 10.1.20, 10.2.3, 10.2.7, 10.3.1, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.7, 10.4.1, 10.4.2, 10.4.5 and 10.4.6

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

WITHDRAWN

Item 10.3.8 – Cultural Development Seeding Grant Application was withdrawn as the matter had previously been considered by the Council.

10.3.8 Cultural Development Seeding Grant Application

Ward:	Both	Date:	5 November 2004
Precinct:	All	File Ref:	CMS0008
Attachments:	-		
Reporting Officer(s):	R Clowes		
Checked/Endorsed by:	J Anthony	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES the application of Highgate Primary School for a Cultural Development Seeding Grant of \$500.00.

DETAILS:

Highgate Primary School’s project, “Getting Along With Others”, is planned to run from August through to October 2004 to promote positive interaction and self esteem in the playground and classroom.

The project will involve the production of stickers and certificates incorporating a school design competition representing the students understanding of what “getting along” means to them. They will be used on letters sent out from the school, placed on certificates presented at assemblies where families are present such as Grandparents Day and newsletters. This will allow the message of “getting along with others” into the community

The Cultural Development Seeding Grant would be used to support this project, in particular, to be put towards the cost of buying materials, photocopying and office work.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grants and the submitted application address the following section of the Town’s Strategic Plan 2001–02:

2.1 Publicly celebrate and promote the Town’s diversity.

Action Plans to implement this strategy include:

- a) *Where appropriate, financially support and promote community initiated events.*

FINANCIAL/BUDGET IMPLICATIONS:

Of the \$5,000.00 budgeted for this item, \$1,150.00 remains unallocated.

COMMENTS:

Highgate Primary School meet the criteria for the Cultural Development Seeding Grants. They will acknowledge the Town's support through their School Project.

Both events will complete an acquittal report after the events, detailing how the Cultural Development Seeding Grants were expended.

WITHDRAWN

Item 10.1.8 – No(s). 255 (Lot(s) 24, Strata Lot No(s). 2 & 3) Beaufort Street, Perth – Proposed Change of Use from Existing Office to Shop and Office was withdrawn to allow for further investigation to be carried out.

10.1.8 No(s). 255 (Lot(s) 24, Strata Lot No(s). 2 & 3) Beaufort Street, Perth - Proposed Change of Use from Existing Office to Shop and Office

Ward:	South	Date:	16 November 2004
Precinct:	Beaufort; P13	File Ref:	PRO2946; 00/33/2467
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M T Pham on behalf of the owner Lefroy Nominees Pty Ltd for proposed Change of Use from Existing Office to Shop and Office, at No(s). 255 (Lot(s) 24, Strata Lot No(s). 2 & 3) Beaufort Street, Perth, and as shown on plans stamp-dated 16 September 2004 (floor plan), 15 November 2004 (elevations) and 16 November 2004 (site plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of access, sanitary facilities and car parking for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) the hours of operation shall be restricted to the following times: 9am to 5.30 pm Monday to Friday and 10am to 3 pm on Saturday, inclusive; and*
- (iv) the office component shall be limited to 144 square metres and the retail component shall be limited to 149 square metres, of gross floor area;*

to the satisfaction of the Chief Executive Officer.

Landowner:	Lefroy Nominees Pty Ltd
Applicant:	M T Pham
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
Existing Land Use:	Residential
Use Class:	Shop/Office
Use Classification:	"P"
Lot Area:	1688 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a proposed change of use from existing office to shop and office. The proposal does entail any alterations or additions to the building or changes to the facade. 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	N/A		N/A
Objection (3)	<ul style="list-style-type: none"> • car parking • changes to the façade • car bays not of the applicant • permission not granted from land owner • lack of information on plans • proposal inconsistent with Beaufort Policy • proposal inconsistent with established use of premises 		<p>Not supported - adequate car parking provision in accordance with Parking and Access Policy.</p> <p>Not supported - plans indicate no change to façade.</p> <p>Not supported - strata plan provided by applicant indicates car bays for the use of subject strata lots.</p> <p>Not supported - Town's solicitors have advised that only strata lot owners' permission is required for planning applications, and not necessarily from all owners of the property, unless affecting common property.</p> <p>Not supported - further information provided and plans adequate for assessment.</p> <p>Not supported - uses appropriate within Commercial zoning.</p> <p>Not supported - uses appropriate within the established office use of the premises.</p>

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
Car parking requirement (nearest whole number) Retail - 9.93 bays Office- 2.88bays	13 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more existing public car parking place(s) with in excess of a total 75 car parking spaces) 	(0.614) 7.98 car bays
Minus the car parking provided on-site dedicated for the subject properties	8 car bays
Resultant shortfall	0.02 car bay

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

COMMENTS:

The proposed uses are considered to be in accordance with the Town's Policies relating to the Beaufort Precinct commercial area and "Parking and Access", and is therefore recommended for approval, subject to standard and appropriate conditions.

The applicant had requested that this Item be deferred.

10.1.12 No(s). 3 (Lot(s) 202) Glendower Street (Corner William Street), Perth - Proposed Two (2) Two-Storey Single Houses

Ward:	South	Date:	15 November 2004
Precinct:	Hyde Park; P12	File Ref:	PRO2527; 00/33/2450
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by N Sadek on behalf of the owner J Sadek for proposed construction of two two-storey single houses at No.3 (Lot 202) Glendower Street, corner William Street, Perth, and as shown on the plans stamp dated 9 September 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with streetscape, building setbacks, building height, plot ratio, and density requirements of the Residential Design Codes;*
- (iii) the non-compliance with the street setback requirements of the Town's Policy relating to Robertson Locality; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Franchina, Seconded Cr Ker

That the Item be DEFERRED as requested by the applicant.

CARRIED (6-2)

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

(Cr Farrell was an apology for the meeting.)

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

COMPLIANCE:

Requirements	Required	Proposed *
Density (as per R60)	1 dwelling R 80	2 dwellings Grouped Dwelling: R65 (9.65 per cent density bonus) Single House: R65 (18.42 per cent density bonus)
Plot Ratio	0.65 98.8 square metres per lot of 152 square metres	Unit 1 - 0.70 106.4 square metres Unit 2 - 0.71 109.4 square metres
Setbacks:		
Unit 1 - East/William Street	4 metres, and garage 6 metres behind the main building wall	1 metre to 1.5 metres, and garage aligned with main building wall
South Street Ground Floor (Garage)	1 metre	0 metre (Internal Boundary)
East/ William Street First Floor	6 metres	1.5 metres to 2 metres
West First Floor	2.1 metres	1.5 metres to 1.9 metres
South First Floor	1.1 metres	0 metres (Internal Boundary)
Unit 2 - East/William Street Ground Floor	4 metres, and garage 6 metres or behind the main building wall	1 metre to 4 metres, and garage aligned with main building wall
North Ground Floor (Sitting)	1 metre	0 metre (Internal Boundary)
East/William Street First Floor	6 metres	1.5 metres to 2.0 metres
West First Floor	1.9 metres	1.5 metres to 1.9 metres
Building Height	7 metres for a concealed roof	Unit 1 - 7.5 metres Unit 2 - 7.4 metres

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

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

SITE HISTORY:

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

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

DETAILS:

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

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

CONSULTATION/ADVERTISING:

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

The main points raised in the letters are as follows:

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

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

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

Plot Ratio

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

Building Height

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

Density

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

Response to Objections Received

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

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

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

10.1.4 No(s). 209 (Lot(s) 142) Beaufort Street, Perth - Proposed Alterations and Additions to Signage to Existing Consulting Rooms (Herbalist) (Application for Part Retrospective Approval)

Ward:	South	Date:	11 November 2004
Precinct:	Beaufort; P13	File Ref:	PRO2640; 00/33/2427
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by LJ Gu on behalf of the owner NJ Ballitto for Proposed Alterations and Additions to Signage to Existing Consulting Rooms (Herbalist) (Application for Part Retrospective Approval), at No(s). 209 (Lot(s) 142) Beaufort Street, Perth, and as shown on plans stamped 24 August 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian Standards and noise regulations;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) the signage shall be located entirely within the property boundaries;*
- (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;*
- (v) ground based sign shall only be displayed during the normal business hours of the on-site business; and*
- (vii) the signage shall not have flashing or intermittent lighting;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	NJ Ballitto
Applicant:	LJ Gu
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Consulting Rooms
Use Class:	Consulting Rooms
Use Classification:	"AA"
Lot Area:	498 square metres
Access to Right of Way	N/A

BACKGROUND:

23 March 2004 Council at its Ordinary Meeting conditionally approved a change of use from office to single house and consulting rooms.

DETAILS:

The proposal involves a pylon sign and ground based sign (retrospective) and proposed projecting sign and window sign. 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
Projecting Sign	Must not exceed a vertical dimension of 600 mm	650 mm	Supported - given its context to the scale of the awning
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
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:

It is noted that the proposal did not require advertising and the projecting sign variation is considered minor. In light of the above, the proposal is considered supportable with appropriate and standard conditions.

10.1.6 No(s). 10/663 (Lot(s) 53, Strata Lot No. 9) Newcastle Street, Leederville - Proposed Change of Use from Office and Warehouse to Light Industry (Bakery) and Eating House

Ward:	South	Date:	12 November 2004
Precinct:	Oxford Centre; P4	File Ref:	PRO2937; 00/33/2448
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Rebetez on behalf of the owner Prefama Pty Ltd for proposed Change of Use from Office Warehouse to Light Industry (Bakery) and Eating House, at No(s). 10/663 (Lot(s) 53, Strata Lot No. 9) Newcastle Street, Leederville, and as shown on plans stamp-dated 8 September 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) the hours of operation shall be restricted to the following times: 7.30am to 5.30 pm Monday to Friday and 7.30am to 3 pm on Saturday, inclusive; and*
- (iv) the public floor area shall be limited to 36 square metres;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	Prefama Pty Ltd
Applicant:	M Rebetez
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Strata Lot 9 - Office & Warehouse
Use Class:	Light Industry & Eating House
Use Classification:	"SA & P"
Lot Area:	7163 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a proposed change of use from office and warehouse to light industry (bakery) and eating house. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> Proposal is asset to area. 		Supported
Objection (2)	<ul style="list-style-type: none"> Impact on other business's trading. Parking 		Not Supported - not regarded as a major planning consideration. Not Supported - proposal has adequate car parking provision in accordance with the Town's Policy relating to "Parking and Access"
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number) The proposal requires 8 extra parking bays from existing situation			353 car bays
Apply the adjustment factors.			(0.4896)
<ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) 0.80 (within 400 metres of a rail station) 0.90 (within District Centre zone) 			172.83 car bays
Minus the car parking provided on-site.			73 car bays
Minus the most recently approved on-site car parking shortfall (after taking into account of relevant adjustment factors)			95.9 car bays
Resultant surplus			3.93 car bays

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

COMMENTS:

The proposed uses are considered to be in accordance with the Town's Policy relating to the Oxford Centre Precinct, and in light of the proposal adequately meeting the car parking requirements, approval is recommended subject to standard and appropriate conditions.

10.1.15 Western Australian Planning Commission Draft Statement of Planning Policy 2.9 - Water Resources

Ward:	Both	Date:	16 November 2004
Precinct:	All	File Ref:	PLA0066
Attachments	001 - Laid on the Table		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the correspondence dated 1 September 2004 and accompanying documentation from the Western Australian Planning Commission relating to the draft 'Water Resources Statement of Planning Policy 2.9', as 'Laid on the Table'; and*
- (ii) *ADVISES the Western Australian Planning Commission that the Council SUPPORTS IN PRINCIPLE the draft 'Water Resources Statement of Planning Policy No. 2.9'.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

The draft Statement of Planning Policy for Water Resources 2.9 has been prepared by the Western Australian Planning Commission (WAPC). It is directly related to the Statement of Planning Policy 2: Environment and Natural Resources Policy. The aim of the Policy is to provide more detailed guidance in respect to the protection, conservation, management and enhancement of water resources identified as having significant economic, social, cultural and/or environmental values. The close of submission date is 1 December 2004.

DETAILS:

The purpose of this report is to provide a summary of the contents and objectives of the Statement of Planning Policy for Water Resources 2.9 (draft SPP) and the implications this Policy has for the Town of Vincent.

Water resources, as referred to in the draft SPP, include natural features such as wetlands, waterways (rivers, streams and creeks), floodplains, foreshores, estuaries, groundwater and surface water catchments and drinking water catchments, dams, stormwater and waste water. In addition, water resources also refers to water for consumptive, recreational, industrial and commercial purposes, including stormwater, wastewater, irrigation dams and drinking water catchments including reservoirs and bore fields.

The draft SPP will apply throughout Western Australia, and it is intended for it to be monitored on an on-going basis and reviewed as required or at least within five years of its adoption.

Background

In 2002, the Department of Environment, formerly the Waters and Rivers Commission (WRC) - through its *Water WA - A State of Water Resources for Western Australia*, identified the following issues of major concern:

- Sustainable use of water resources;
- Stream salinisation;
- Nutrient enrichment of water resources;
- Loss of fringing vegetation;
- Erosion and sedimentation of waterways; and
- Contamination of water resources.

To address these concerns, it was recognised that an integrated approach was needed in order to achieve sustainable outcomes and an acceptable 'prioritisation and balance' between competing interests. In achieving this, there is the need to satisfy the community's current demands for water resources while seeking the long term protection of the environment, and allow for carefully planned development to cater for future population and economic growth.

The draft SPP has been prepared in response to this need and aims at providing additional guidance to the consideration of water resources in the land use planning process, while taking into account the need to preserve and protect existing water resources for future generations and use. Used in conjunction with other mechanisms, land use planning can assist in protecting, conserving, managing and enhancing the state's water resources.

The principle objectives of this Policy are to:

- Protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values;
- Assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources; and
- Promote and assist in the management and sustainable use of water resources.

It should be noted however, that the draft water resources Policy does not address coastal areas or public drinking water source areas.

Implementation

The implementation of such policies is often dependant upon such planning tools as local and regional planning strategies, structure plans, schemes, subdivisions, strata subdivisions and development applications, as well as other planning decisions and instruments, adopting the principles of the Policy.

The Policy identifies local government as being a key agency in the implementation of this Policy. However, it does recognise that there exists many different agencies with statutory responsibilities for water resources in WA. The Policy aims to provide a means of co-ordinating those agencies activities with those of private sector to ensure an integrated approach for the sustainable use of water resources.

This Policy will also guide local governments and the Town Planning Appeal Tribunal of those aspects of State Planning Policy concerning the protection of water resources that should be taken into account in planning decision making.

General measures recommended within this Policy have been categorised as follows: general measures, surface and groundwater resources, wetlands, waterways and estuaries and total water cycle management.

General measures applicable to all water resources include:

- (i) the protection of significant environmental, recreational and cultural values of water resources;
- (ii) the aim to prevent and minimise or ameliorate potential impacts of development on significant water resources;
- (iii) promote improved outcomes that include improved water quality, reduction in nutrient export to receiving waters, environmental repair and rehabilitation, for example;
- (iv) identifying all water resources above and below ground within the relevant subject area and mapping and prioritising them in terms of state, regional or local significance;
- (v) take into account potential impacts the water resource may have on a land use when determining compatibility;
- (vi) recognition of existing State Government management strategies developed for water resource issues;
- (vii) reference and consideration of Water resource management plans as required by the *Rights in Water and Irrigation Act 1914*; and
- (viii) reference and consideration of natural resource management strategies, catchment management strategies or similar prepared by community groups and endorsed by State Government statutory authorities.

The Policy goes on to outline more specific measures relating to surface and groundwater resources, wetlands, waterways and estuaries and total water cycle management. (Refer Attachment 001)

As further guidance, appended to the draft SPP, are several Schedules. The Schedules provide further and more specific guidance for the relevant statutory authorities to assist in the implementing of the Policy. The subject documentation is '*Laid on the Table*'.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 - Key Result Area 1.1: "*Protect and enhance the environment and biodiversity:*

- g) *Incorporation of water sensitive urban design principles in to the Town Planning Scheme;*
- h) *implementation of water conservation initiatives, including:*
 - *installing a centrally controlled irrigation system;*
 - *investigating the use of treated effluent for irrigation;*
 - *encouraging residents to implement waterwise gardening principles;*
 - *investigating and encouraging the use of grey water;*
 - *investigating options for stormwater re-use where appropriate (eg - re-establishing wetlands)";*

and 1.3 "*Develop, implement and promote sustainable urban design.*"

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As explained above, the draft Statement of Planning Policy for Water Resources 2.9, has been prepared to provide statutory authorities at both a State and Local Government level with an outline of considerations and Policy measures to incorporate into existing and future land use planning tools such as local and regional planning strategies, structure plans, schemes, subdivisions, strata subdivisions and development applications.

The definition of 'water resources' in the draft SPP encompasses a wide variety, ranging from water resources that are natural features and water resources that are used for consumptive, recreational, industrial and commercial purposes. The Town of Vincent and its Strategic Plan 2003 - 2008 acknowledges and identifies the need to implement better water conservation initiatives and promote better water sensitive urban design principles into the Town Planning Scheme provisions. With the current review of the Town's Town Planning Scheme No.1, the opportunity exists to include some of the applicable measures suggested within the draft SPP into the revised Town Planning Scheme. In addition, a concerted effort should be made to foster the development of policies that relate to the management and protection of water resources that are consistent with the objectives of the draft SPP.

The provision of the draft SPP will have limited direct impact on the Town of Vincent and the measures it presently undertakes in managing its water resources. Nonetheless, the draft SPP will provide the Town with a clear guide document which can be referred to in the preparation of future policies and strategies (including the Town Planning Scheme) relating to the Town.

10.1.16 Western Australian Planning Commission Draft Statement of Planning Policy - Natural Hazards and Disasters

Ward:	Both	Date:	16 November 2004
Precinct:	All	File Ref:	PLA0066
Attachments	001		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the correspondence dated 3 September 2004 and accompanying documentation from the Western Australian Planning Commission, being the draft 'Natural Hazards and Disasters Statement of Planning Policy', as 'Laid on the Table'; and*
- (ii) *ADVISES the Western Australian Planning Commission that the Council SUPPORTS IN PRINCIPLE the draft 'Natural Hazards and Disasters Statement of Planning Policy'.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

The draft Statement of Planning Policy for Natural Hazards and Disasters has been prepared by the Western Australian Planning Commission (WAPC) in response to the Council of Australian Governments' commitment to undertake a review of natural disaster relief and mitigation arrangements. The Policy was prepared under the guidance of a sub-committee of the State Mitigation Committee. The draft Policy has been released for public comment and will be reassessed in light of submissions prior to being reconsidered by both the State Mitigation Committee and the WAPC. The close of submission date is 3 December 2004.

The WAPC might prepare more detailed guidelines on the individual hazards identified in the Policy, in consultation with Local Government and relevant State and Australian government agencies to meet the objectives of the Policy and, if prepared, should be taken into account in the determination of proposals.

DETAILS:

The purpose of this report is to provide a summary of the contents and objectives of the Statement of Planning Policy for Natural Disasters and Hazards (SPP) and the implications this Policy has for the Town of Vincent.

The Policy applies throughout Western Australia, although it is recognised that not all of the natural hazards referred to in the Policy occur, or have the potential to occur equally throughout the State. Notwithstanding this, it is possible that every local government area could potentially be affected by one or more of the hazards identified as some time in the future.

The function of the Policy is to provide local councils effectively with a checklist that should be followed where land use change, subdivision or development is proposed. The Policy will form a basis from which guidelines can be prepared to provide a more comprehensive examination of certain risks and the possible responses to them.

Specifically, the objectives of the Policy are to:

- Include planning for natural disasters as a fundamental element in the preparation of all statutory and non-statutory planning documents; and
- Through the use of these planning instruments, to minimise the adverse impact of natural disaster on communities, the economy and the environment.

The impetus of the Policy is the recognition that Western Australia is subject to a range of natural disasters such as floods, cyclones, storm surge, severe storms, landslide, bush fires and earthquakes. The cost of recovery and response activities associated with these disasters is immense. Overseas studies indicate that for every dollar spent on mitigation, between two and three dollars are saved in the response and recovery phases. The most effective strategy for reducing the long-term impact of natural hazards is to integrate mitigation activities into the process of land use planning.

The Policy provisions apply to the preparation and assessment by the WAPC of:

- Region planning schemes and strategies;
- Local planning strategies;
- Town planning schemes and amendments to town planning schemes;
- Structure plans and outline development plans;
- Planning guidelines and non-statutory plans and policies;
- Subdivision applications; and
- Development applications.

Integrating mitigation activities and Policy measures into documents such as those detailed above will require a holistic approach, that encompasses consideration of both natural elements such as, climate, geology, soils, vegetation cover, slopes, landforms and hydrology and other external factors such as the built environment, community awareness, the history of hazard events in the region, the potential for long-term changes to risk such as climate and land use change.

The Policy will also provide guidance for situations where planning decisions occur outside the framework of the *Town Planning and Development Act 1928*, such as for unallocated Crown land, pastoral leases, indigenous and conservation estate land.

The draft SPP identifies and addresses a number of relevant natural disasters and their potential impact on the environment (natural and built) if proper mitigation measures and policies are not implemented and made part of relevant land use planning tools.

The natural disasters identified and discussed within the Policy include:

Flooding;
Severe storms and cyclones;
Storm surge;
Coastal erosion;
Bush fires;

Landslides and other land movements; and Earthquakes.

Implementation

The implementation of the Policy will generally be facilitated via the preparation of regional and local strategic plans, statutory planning schemes, management plans and other relevant plans, as well as through the day to day process of decision making on zoning, subdivision, strata subdivision and development applications, and the actions of other State agencies in carrying out their responsibilities.

It is likely that the Policy will be reviewed at a later date, although the information provided to the Town did not specify a timeframe.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 - Key Result Area One: Environment and Infrastructure

1.1 Protect and enhance the environment and biodiversity.

While the Strategic Plan does not specifically identify measures being taking to implement and develop best practice programs specifically in relation to dealing with natural hazards and disasters, the strategies and action plans outlined do work towards providing an integrated and comprehensive approach to managing the various environmental elements found within the Town.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The draft SPP has been prepared to encourage State and Local Government agencies to consider as part of preparing their land use planning policies and documentation, incorporating mitigation measures to reducing the impact of natural hazards and disasters.

There are no immediate implications of this draft SPP on the Town and its current practices. Nonetheless, in preparing any future policies and strategies that relate to the environment and its management within the Town, relevant departments should incorporate those relevant principles of the draft SPP as part of the policies and strategies being formulated.

10.1.18 Public Library Framework Agreement

Ward:	Both	Date:	03/11/04
Precinct:	All	File Ref:	
Attachments:	001		
Reporting Officer(s):	E Scott		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the State Library of Western Australia Public Library Framework Agreement;*
- (ii) *ADVISES the Western Australian Local Government Association that it agrees to the proposed Framework Agreement for a period of four (4) years, providing the following pre-determined minimum standards are written into the Framework Agreement:*
 - (a) *The State Government provides resources, consultancy, advisory and training services;*
 - (b) *The State Government commits to maintaining a minimum base level of annual capital funding for the public library service of \$6.5M;*
 - (c) *The State Government will commit as a minimum to capital funding as outlined in the forward estimates for the years to, and including, 2007/2008*
 - *\$2M in 2004/2005;*
 - *\$2.2M in 2005/2006;*
 - *\$2.2M in 2006/2007; and*
 - *\$2.4M in 2007/2008; and*
 - (d) *The State Government will commit as a minimum \$1.5M over the same four (4) year period for staffing to ensure the selection, acquisition, processing and distribution of additional resources to public libraries;*
- (iii) *ACKNOWLEDGES that, for the effective delivery of public library services in WA, the parties recognise the Library Board of Western Australia standards as:*
 - (a) *each public library to have a minimum standard of 1.25 items per head of resident population, provided by the State Library of Western Australia; and*
 - (b) *each public library to be enabled to meet a minimum turnover of 12.5% of State Library stock per annum; and*
- (iv) *AGREES to work to assist the State Government to achieve and exceed these standards.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

The State Library of Western Australia (SLWA), Department of Culture and the Arts, Government of Western Australia is a statutory authority, which works in partnership with Local Government to provide stock and services to Western Australia's 238 Public Libraries. This is enacted under the *Library Board of Western Australia Act 1951*. As such, SLWA is obliged to consult with stakeholders in preparing a Framework Agreement that ensures that both parties address the needs of all members of the West Australian Community, and which delineates standards and responsibilities.

To-date, the Western Australian Local Government Association (WALGA) negotiators have found that Local Governments expect State Government to commit to the existing Library Board standard of 1.25 items per capita per Local Government area base stock provision.

At the Ordinary Meeting of Council held on 21 October 2003 (Item 10.1.8), the Council considered the proposed Public Library Framework Agreement, and resolved as follows:

"That the Council:

- (i) RECEIVES the report relating to the proposed Public Library Framework Agreement;*
- (ii) DOES NOT support the Draft Statements of Intent in its current form;*
- (iii) RECOMMENDS further discourse between State and Local Governments to achieve a more workable Public Library Framework Agreement; and*
- (iv) ENDORSES the suggested feedback attached at Appendix 10.1.8".*

After further negotiations, WALGA asked for feedback from Local Governments, regarding standards proposed by State Government, to be met and sustained by Local Governments.

Subsequently, at the Ordinary Meeting of Council held on 12 October 2004 (Item 10.1.15), the Council further considered the proposed Public Library Framework Agreement, and resolved as follows:

"That the Council;

- (i) RECEIVES the report relating to the State Library of Western Australia Public Library Framework Agreement; AND*
- (ii) ADVISES the Western Australian Local Government Association that it agrees to meet the following standards by 2007/2008:*
 - (a) infrastructure – the provision of an automated library management system;*

- (b) *membership for all WA Citizens provided free of direct charge;*
- (c) *loans (and renewals) of items from fiction and non-fiction lending collections, whether book, non-book or electronic formats for adults and children provided free of direct charge;*
- (d) *access to any library resource and to any information forming part of the information services of the library, for use on the library premises, including internet and electronic databases, for basic research purposes provided free of direct charge. (Public Access to internet excludes use of email and other communication modes, which may be considered value-added);*
- (e) *access to state-wide catalogue and SLWA website, and interlibrary loan of any eligible resource not held in the library service collection free of direct charge: Provision of some interlibrary loan materials may incur a cost by the client (for example, photocopies);*
- (f) *basic reference/information services (includes community information) provided free of direct charge. Basic Reference Information Services include: provision of access to reference materials for consultation in the library and the provision of assistance by library staff in identifying, retrieving and making available, relevant information (by any appropriate means) in response to requests for information by library clients;*
- (g) *employment of public library staff with core competencies; and*
- (h) *asset Management: resources are deemed state government assets, maintained according to set policies, and made available to all people in WA through a state-wide system."*

DETAILS:

WALGA has continued to negotiate on behalf of Local Governments and now seeks feedback from Local Governments on proposed State Government commitment under the Framework Agreement.

Due to very tight time constraints, the Manager Library Services has completed the Fax-back, which was required by 3 November 2004. The WALGA Infopage is attached to this report.

It is understood that whilst agreeing to write base standards into the Framework Agreement, State Government has admitted that they are confident that they will be close to meeting the Library Board standards of 1.25 stock per head of population, and 12.5% replacement of stock per annum. However, they will not commit 100 per cent because major changes in world monetary markets, etc would impact on this.

WALGA will continue to lobby the State Government for more funds, as it is recognised that the listed standards are minimum only, and should be exceeded whenever possible.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2003-2008:

Key Result Area Three – Economic Development

3.3 *Develop partnerships and alliances with key stakeholders.*

Key Result Area Four – Governance and managements

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

By agreeing to hold the State Government to the proposed standards, the above Key Result Areas will be achieved and maintained.

FINANCIAL/BUDGET IMPLICATIONS:

By agreeing to the proposed minimum standards, budget allocation for the purchase of supplementary stock for use in the Town of Vincent Library will not be overburdened in order to continue to meet the high standards, and the various needs and expectations of members of our community.

COMMENTS:

Negotiations for this Framework Agreement have been ongoing since October 2001. Many issues have been resolved, including the standards that State Government expects Local Governments to meet. The current negotiations have been the most controversial, and WALGA is confident that the proposed minimum standards will ensure that Local Governments will be well serviced by State Government.

10.1.20 No(s). 291 (Lot(s) 1-5, 7 and 97) Pier Street (Corner Parry Street and Edward Street), Perth - Proposed Signage Additions to Existing Office and Self Storage Units (Warehousing)

Ward:	South	Date:	19 November 2004
Precinct:	Beaufort; P13	File Ref:	PRO0188; 00/33/2355
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner S Vahdat for proposed Signage Additions to Existing Office and Self Storage Units (Warehousing), at No(s). 291 (Lot(s) 1-5, 7 and 97) Pier Street (corner Parry Street and Edward Street), Perth, and as shown on plans stamp-dated 14 July 2004, subject to:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian Standards and Noise Regulations; 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 10.1.20

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	S Vahdat
Applicant:	S Vahdat
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Office Building & Warehouse
Use Class:	Office Building & Warehouse
Use Classification:	"AA&SA"
Lot Area:	5169 square metres
Access to Right of Way	N/A

BACKGROUND:

22 October 2002: The Council at its Ordinary Meeting resolved to conditionally approve an application for signage additions to existing office and self storage units at the subject site.

DETAILS:

The proposal involves 1 hoarding sign, 1 projecting sign and 1 wall sign to existing office and self storage units (warehousing).

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
Projecting Sign	Vertical dimension not to exceed 600 millimetres.	Vertical dimension of 800 millimetres.	Supported- minor variation in the context of existing building scale.
Wall Sign	Not to exceed 10 square metres. Commercial building located within a residential zone not to exceed 1.2 square metres.	Sign is 10.04 square metres	Supported- minor variation in the context of existing building scale. Supported- scale of building, commercial nature of subject proposal and surrounding area.
Hoarding Sign	Be not less than 1.2 metres from the finished ground floor.	0.45 metre from finished ground level	Supported- no undue impact on amenity.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
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 variations sought by the applicant are considered supportable and not to have undue impact of the surrounding streetscape. The proposal is therefore recommended for approval, subject to standard and appropriate conditions.

10.2.3 Introduction of Parking Restrictions on Both Sides of Vincent Street, Between Loftus Street and Oxford Street

Ward:	South Ward	Date:	12 November 2004
Precinct:	Oxford Centre Precinct P4	File Ref:	PKG0001
Attachments:	001 ;		
Reporting Officer(s):	A Munyard; R Lotznicher, M Rootsey, J MacLean		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the introduction of Parking Restrictions on the north and south sides of Vincent Street, between Loftus and Oxford Streets as shown on attached Plan No 2309-PP-1;
- (ii) **APPROVES IN PRINCIPLE** the following:
 - (a) **Introduction of a Loading Zone** at all times on the north side of Vincent Street east of the Leederville Oval Carpark entrance;
 - (b) **The removal of the morning Clearway restriction** on the north side of Vincent Street, between Oxford and Loftus Streets, Leederville;
 - (c) **The introduction of a two (2) hour parking restriction** on the current unrestricted portion, on the **NORTH** side of Vincent Street between Oxford and Loftus Streets, to be in operation from 8.00am until 5.00pm Monday to Friday;
 - (d) **The introduction of a two (2) hour parking restriction**, on the current unrestricted portion, on the **SOUTH** side of Vincent Street between Loftus and Oxford Streets, to be in operation from 9.00am until 4.15pm Monday to Friday;
- (iii) **CONSULTS** with **ALL** affected residents and businesses adjacent to the proposed restrictions allowing them 14 days in which to provide comments;
- (iv) **DESIGNATES** the parking areas within the boundaries of Leederville Oval as a parking station, called "Leederville Oval Car Park", for the purpose of enforcement, under the Town of Vincent Local Law Relating to Parking Facilities;
- (v) **APPROVES** the introduction of a two (2) hour parking restriction in the Visitors section of the "Leederville Oval Car Park", to be in force between 8.00am and 5.00pm Monday to Friday as shown on attached Plan No 2311-PP-1;
- (vi) **LISTS** for consideration in the 2005/2006 Draft Budget and amount of \$104,500 for the installation of ticket machines in Vincent Street and the Leederville Oval Car Park; and
- (vii) **RECEIVES** further report/s on the outcome of the community consultation and the installation of Ticket Issuing Machines.

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

The Department of Sport and Recreation (DSR) building at 246 Vincent Street, is nearing completion, with the Department expected to commence their tenancy in late January 2005. Approximately 105 employees will work in the building. Prior to this occurring, the impact of the increased demand for parking on Vincent Street generated by the relocation of DSR should be addressed and appropriate measures put in place.

DETAILS:

Existing Scenario

Currently parking in Vincent Street is unrestricted outside of the Clearway periods on both sides, between the western end of the Leederville Oval and Loftus Street. To facilitate construction of the DSR building, the kerb (north) side east bound lane on Vincent Street has been closed since late last year.

It is now apparent that a single eastbound lane during the morning (AM) peak period is not an impediment to the flow of traffic, and therefore removal of the AM Clearway on the north side of Vincent Street is recommended.

The south side of Vincent Street has both morning and afternoon Clearway restrictions. As Vincent Street is a District Distributor and provides a west bound link to the Mitchell Freeway, it is considered the Clearway restrictions continues to provide a necessary amenity and should therefore remain on that side of the road.

Proposal

Vincent Street - north side

The removal of the morning Clearway restriction on the north side of Vincent Street, between Oxford Street and Loftus Street is proposed. In addition a ten (10) metre Loading Zone, to be in place at all times, is proposed on the north side of Vincent Street, immediately east of the entrance to the DSR building and football club parking. It is proposed that the remainder of the kerb side parking in this zone be restricted to two (2) hours on the current unrestricted portion of Vincent Street between Oxford Street and Loftus Street, to be in operation from 8.00am until 5.00pm Monday to Friday.

Vincent Street - South side

The introduction of a two (2) hour parking restriction, on the current unrestricted portion, on the SOUTH side of Vincent Street between Loftus Street and Oxford Street, to be in operation from 9am until 4.15pm Monday to Friday is proposed. It is proposed that the clearway restriction remain unchanged.

Note: Residents will be eligible to apply for exemption, from the proposed Vincent Street restriction, for themselves and their visitors.

Department of Sport and Recreation/Leederville Oval car park

Twenty (20) (10 required for DSR and 10 for Leederville Oval) visitor parking bays are proposed on the left side of the development car park. To insure that these bays are available for their intended purpose, and are not taken up by all day parkers, a two (2) hour parking restriction in these bays to be in force between 8am and 5.00pm Monday to Friday as shown on attached Plan No. 2309-RP-1.

Ticket Issuing machines

The Chief Executive Officer requested that the officers investigate the installation of ticket machines in Vincent Street and the Leederville Oval Car Park.

On certain days the Leederville area is extremely congested, from a parking perspective and the installation of ticket issuing machines in this area would be consistent with the existing Council approval for ticket issuing machines to be installed in Newcastle Street, between Carr Place and Loftus Street, Leederville. (Leederville and Highgate have been identified in the Town's recent Customer Satisfaction Survey as having a higher level of dissatisfaction about parking.)

Ticket issuing machines prevent drivers moving their vehicles from bay to bay, to avoid receiving a parking infringement notice. This practice has the effect of denying drivers casual parking as the net congestion remains the same and does not free up any parking bays.

In Vincent Street, eight (8) machines would be required at an estimated cost of \$76,000.

In the Leederville Oval Car Park a minimum of three (3) machines would be required at an estimated cost of \$28,500. Total estimated cost is \$104,500.

In addition a tender for the supply of the machines would need to be called, the local law would need to be amended. It is therefore estimated that the earliest the machines could be implemented should funding become available would be March/April 2005

Budget for Ticket Issuing Machines

There are no funds allocated in the 2004/005 budget for the installation of Ticket Machines in these locations. Funds would need to be sourced from other areas of saving which could possibly be identified in a future budget review.

CONSULTATION / ADVERTISING

In accordance with the Town's Policy, it is proposed that all affected residents and business proprietors be consulted and allowed 21 days in which to provide comments on the proposed two (2) hour parking restrictions in Vincent Street.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of new parking restriction signs and road line marking would be approximately \$1,000. This can be funded from the appropriate operating budget allocation.

The estimated cost of implementing paid parking is in the order of \$104,500. There are no funds budgeted for this project.

COMMENTS:

The relocation of DSR to their new premises in Vincent Street will generate an increase in demand for parking in the vicinity. The introduction of a two (2) hour restriction as recommended will promote parking roll-over, and also assist residents and their visitors in accessing kerb side parking.

Officers are currently investigating the implications of installing Ticket Issuing machines in the portion of Vincent Street and the visitors section of the Department of Sport and Recreation/Leederville Oval car park excluding the loading zone and a further report will be presented to the Council regarding this matter

		Turfmaster Facility Management		Gro-Turf Pty Ltd	
Activity	No. of Appl./Cuts per year	Leederville Oval		Leederville Oval	
		Cost/Activity	Cost/Activity	Cost/year	Cost/year
3.1.4 Turf Renovation					
(i) Verti-Drain	8 appl	900.00	7920.00	1190.00	9520.00
(ii) Verti-Cut/Sweep (2 directions)	1 appl	1980.00	1880.00	2160.00	2160.00
(iii) Rolla Mow (Low Cut)	1 appl	660.00	660.00	660.00	660.00
(iv) Re-Sweep	1 appl	660.00	660.00	720.00	720.00
3.1.5 Irrigation					
Irrigation Maintenance	Cost/yr	2310.00	2310.00	2200.00	2200.00
3.1.6 Line Marking					
Initial set Out	1/yr	495.00	495.00	480.00	480.00
Re-marking	27/yr	253.00	6831.00	110.00	2970.00
3.1.7 Overseeding (Supply/Apply)	7 appl	1617.00	11319.00	2300.00	16100.00
3.1.8 Shifting of Goal Posts	30 appl	39.66	1190.00	120.00	3600.00
	TOTAL:		\$60,925.00		\$95,350.00
Debris Disposal					
Debris transported by compactor Truck and disposed of by the Contractor. All Costs of Loading, Transport and Disposal of Debris to be borne by the Contractor. Debris to be removed within 48 hours. Debris is only to be dumped on bitumen area at rear of TAFE.					
		Turfmaster		Gro-Turf Pty Ltd	
		Rate per m³ (banked)		Rate per m³ (banked)	
What quantity of thatch material can be removed in one hour.		\$9.90 /m³ 88m³/hr banked		\$40/m³ 60m³/hr banked	

An evaluation panel consisting of the Chief Executive Officer, Executive Manager Technical Services and the Manager Parks Services assessed the conforming tenders using the selection criteria in accordance with the following: -

- | | |
|---|-------------|
| • Financial Offer | 50 % |
| • Relevant Experience & Expertise in Venue Turf Maintenance | 30 % |
| • Demonstrated Capacity to Deliver Services | 10 % |
| • Financial History and Viability of Organisation | <u>10 %</u> |
| | 100 % |

Maximum Raw Score x Weighting = Total Score

Tenderers were requested to address all of the above criteria, separately and comprehensively in their submission.

	Turfmaster Facility Management	Gro-Turf Pty Ltd
Financial Offer	50	32
Relevant Experience & Expertise in Venue Turf Maintenance	30	25.5
Demonstrated Capacity to Deliver Services	10	10
Financial History and Viability of Organisation	10	10
Total	100	77.5

Following the evaluation process, Turfmaster Facility Management have provided the best value for money overall and have achieved the highest score.

Turfmaster Facility Management

Turfmaster Facility Management was established in the early 1990's. Turfmaster Facility Management currently undertake venue turf maintenance at Subiaco Oval, Fremantle Oval, Arena Joondalup and Members Equity Stadium and have considerable experience in undertaking these activities. The company also has the ability to carry out grass signage if required.

They are a quality assured company and have provided (and continue to provide) a very professional service to the Town as they currently hold Town's annual Tender for Specialised Turf Maintenance, Herbicide Applications and Turfing Services.

Gro-Turf Pty Ltd

Gro-Turf Pty Ltd was registered in 1993 and provides services to a large number of private organisations, including a number of schools.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Tender Number 310/04 was advertised for a minimum of fourteen (14) days in accordance with the Local Government Act Regulations.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“h) Continue to design and implement infrastructure improvements for public open space.”*

FINANCIAL/BUDGET IMPLICATIONS:

Adequate funds have been included in the 2004/05 operating budget for the Town's contribution for the Provision of Turf Maintenance Services for Leederville Oval.

All works associated with the turf maintenance of Leederville Oval and surrounds will be undertaken as part of this contract. The cost of this work will be paid by East Perth and Subiaco Football Clubs as part of their lease. The Town will contribute \$15,000 per year as the Oval will be available to the community when games are not being played or WAFL training is occurring.

In addition, an amount of \$4,680 will be paid for the land outside the Oval fence up to the 10 metre line.

COMMENTS:

It is therefore recommended that the Council accepts the tender submitted by Turfmaster Facility Management for the Provision of Turf Maintenance Services for Leederville Oval for a five (5) year period with an option to extend for a further five (5) years in accordance with the specifications as detailed in Tender Number 310/04.

10.3.1 Authorisation of Expenditure for the Period 01 - 31 October 2004

Ward:	-	Date:	16 November 2004
Precinct:	-	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 October – 31 October 2004 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 10.3.1

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

DECLARATION OF INTEREST

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

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	\$1,000,000.00
	EFT	\$1,000,000.00
	EFT	\$ 182,696.72
Total Municipal Account		\$2,182,696.72
Advance Account		
Automatic Cheques	49036-49052, 49053-49132, 49136-49364, 49374-49441	\$501,374.22
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 304-309, 311, 313-317		\$1,084,343.19
Transfer of PAYG Tax by EFT	October 2004	\$141,792.09
Transfer of GST by EFT	October 2004	\$0.00
Transfer of Child Support by EFT	October 2004	\$491.54
Transfer of Superannuation by EFT City of Perth	October 2004	-
Local Government	October 2004	-
Total Advance Account		\$1,727,509.50
Transfer of Payroll by EFT	October 2004	\$478,386.37
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$12,465.93
Lease Fees		\$1,179.91
Corporate Master Cards		\$7,135.04
Australia Post Lease Equipment		\$311.77
2 Way Rental		\$3,229.60
Loan Repayment		\$30,835.13
B/Park ATM Cash Agreement		\$165.00
Reject Fees		\$2.50
Total Bank Charges & Other Direct Debits		\$55,324.88
Less GST effect on Advance Account		-\$42,976.00
Total Payments		\$4,400,941.47

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 – Key Result Area 4.2 – Governance and Management

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

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.

10.3.3 Beatty Park Leisure Centre – Tender No. 303/04 Cafe Supply

Ward:	South	Date:	16 November 2004
Precinct:	Smith's Lake Precinct-P6	File Ref:	CMS0014
Attachments:	-		
Reporting Officer(s):	D Vanallen/T Bent		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tenders from the following organisations for the supply of products for the Beatty Park Leisure Centre Café Vincent in the categories as listed below;

- *Peters and Brownes Group - Ice Creams;*
- *Schweppes - Non alcoholic beverages;*
- *Peters and Browns Group - Dairy products (excluding ice creams);*
- *Peters and Browns Group - Frozen food (including chips & other fried foods); and*
- *Cadbury Schweppes and Confectionary Distributors - Confectionery.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

Tenders were called for supply contracts in the following categories, to Beatty Park Leisure Centre's Cafe Vincent for a three (3) year period commencing December 2004.

CATEGORIES

- Ice creams
- Non alcoholic beverages (including soft drinks, bottled water, sports drinks, and fruit juice)
- Dairy products (including white milk, flavoured milk and yogurt, excluding ice creams)
- Frozen food (including chips & other fried foods).
- Confectionery

Tenderers were welcome to submit a tender for one or more supply contracts. Where a Tenderer chose to submit for more than one supply contract, a combined tender submission was encouraged.

The tender was advertised in the West Australian on Wednesday 18 August and Saturday 21 August 2004. Seven companies obtained a copy of the tender document. Six (6) tenders were received by 2.00pm, Thursday 9 September 2004. Present at the opening were David Paull (Purchasing / Contracts Officer) and Terri Bent (Assistant Manager - Administration, Beatty Park Leisure Centre). A summary of the submissions is detailed below:

COMPANY NAME	CATEGORY/S SUBMITTED
Confectionary Distributors	Confectionary
National Foods	Diary
Streets Icecream	Ice cream
The Peters & Browns Group	Frozen Foods Diary Ice cream Non alcoholic beverages
Cadbury Schweppes	Non alcoholic beverages Confectionary
Coca Cola Amatil	Non alcoholic beverages

The selection criteria used to evaluate the submissions was as follows:

- 30% Product range
- 30% Product pricing structure
- 10% Service agreement
- 10% Promotional package
- 5% Supply of equipment
- 5% Point of sale material and signage
- 5% Market Share
- 5% Referees

100% TOTAL

DETAILS:

A detailed evaluation of the tenders was carried out in line with the criteria. The evaluation panel was the Manager Beatty Park Leisure Centre and the Assistant Manager Administration. Their recommendations were reviewed by the Executive Manager Corporate Services. The results of the evaluations are listed as follows:

ICECREAMS

%	Evaluation Criteria	Peters & Browns	Streets
30	Product range	30	30
30	Product Pricing Structure	30	28.5
10	Service Agreement	10	10
10	Promotional Package	10	10
5	Supply of Equipment	5	5
5	POS material and signage	5	5
5	Market Share	5	4
5	Referees	5	5
100	TOTAL SCORE	100	97.5

NON ALCOHOLIC BEVERAGES

%	Evaluation Criteria	Peters & Browns	Schweppes	Coca Cola
30	Product range	15	30	30
30	Product Pricing Structure	15	30	30
10	Service Agreement	10	9	9
10	Promotional Package	2	10	4
5	Supply of Equipment	5	5	5
5	POS material and signage	5	5	5
5	Market Share	1	2	5
5	Referees	1	5	4
100	TOTAL SCORE	54	95	92

DAIRY PRODUCTS

%	Evaluation Criteria	Peters & Browns	National Foods
30	Product range	30	30
30	Product Pricing Structure	27	30
10	Service Agreement	10	10
10	Promotional Package	10	3.5
5	Supply of Equipment	5	5
5	POS material and signage	5	5
5	Market Share	5	5
5	Referees	5	5
100	TOTAL SCORE	97	93.5

FROZEN FOODS (including chips and other fried foods)

%	Evaluation Criteria	Peters & Browns
30	Product range	30
30	Product Pricing Structure	27
10	Service Agreement	9
10	Promotional Package	0
5	Supply of Equipment	5
5	POS material and signage	4
5	Market Share	5
5	Referees	5
100	TOTAL SCORE	85

CONFECTIONARY

%	Evaluation Criteria	Confectionary Distributors	Cadbury Schweppes
30	Product range	27	21
30	Product Pricing Structure	24	24
10	Service Agreement	9	9
10	Promotional Package	5	10
5	Supply of Equipment	5	5
5	POS material and signage	5	5
5	Market Share	4.5	3.5
5	Referees	4.5	4.5
100	TOTAL SCORE	84	84

As a result of the detailed evaluation and reference checks it is recommended that the following tenders be approved.

PREFERRED TENDERER	CATEGORIES
Peters & Brownes Group	Ice creams
Cadbury Schweppes	Non alcoholic beverages
Peters & Brownes Group	Dairy products (excluding ice creams)
Peters & Brownes Group	Frozen food (including chips & other fried foods).
Confectionary Distributors and Cadbury Schweppes	Confectionery

The rationale for selecting both tenderers for the confectionary category is for the reasons listed in the following detail.

Cadbury Schweppes manufacture a range of chocolate and snack food products. However, all Cadbury retail outlet distribution is conducted through approved distributors. Confectionary Distributors is one of Cadbury Schweppes approved distributors. Maximum benefit can be gained by awarding the Beatty Park Leisure Centre confectionary tender to both Confectionary Distributors and Cadbury Schweppes. This arrangement will commit Beatty Park Leisure Centre Café to purchasing Cadbury Schweppes chocolates and snack foods lines through Confectionary Distributors. Where an equivalent snack line is not produced by Cadbury Schweppes, an alternative brand will be sourced through Confectionary Distributors without jeopardising the terms of the tender agreement.

CONSULTATION/ADVERTISING:

Tender was advertised in the West Australian on 18 and 21 August 2004.

LEGAL/POLICY:

Tender was conducted in accordance with tender regulations as prescribed in the Local Government Act.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003 - 2008 - Key Result Area 3.2

“(d) Develop business strategies that develop a positive triple bottom line return for the Town. Review, improve and formalise the business unit structure for Beatty Park.”

FINANCIAL/BUDGET IMPLICATIONS:

Revenue and expenditure costs are reflected in the 2004/2005 Beatty Park Leisure Centre Café operating budget.

COMMENTS:

Detailed evaluation has been performed on the tender submissions received. It is the opinion of the evaluation panel that the recommended tenderers represent the best value for money for the Beatty Park Leisure Centre Café for the period.

10.3.4 Needs Assessment and Feasibility Study for the Future Redevelopment of the Beatty Park Leisure Centre

Ward:	South	Date:	8 November 2004
Precinct:	Smith's Lake Precinct-P6	File Ref:	FIN0056
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Beatty Park Leisure Centre Needs Study Report (as Laid on the Table);*
- (ii) *APPROVES the commencement of stage two of the needs Assessment and Feasibility Study for the Future Redevelopment of the Beatty Park Leisure Centre that is the feasibility of a redeveloped centre to be undertaken; and*
- (iii) *APPROVES the commissioning of a due diligence building assessment report and a hydraulic and mechanical services report on Beatty Park Leisure Centre as an integral part of Feasibility.*

COUNCIL DECISION ITEM 10.3.4

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

The Town of Vincent engaged A Balanced View (ABV) Leisure Consultancy Services in July 2004 to undertake a Needs Assessment and Feasibility Study for the Future Redevelopment of the Beatty Park Leisure Centre.

The brief for the project was as follows:

The study was commissioned to be undertaken in two parts.

The first part was a Needs Assessment to ascertain if a redevelopment was necessary. The second part was a feasibility study should the need for a redevelopment be confirmed from the Needs Analysis.

Stage One

The needs analysis will review and analyse:-

- Town of Vincent and Beatty Park Leisure Centre organisation philosophy,
- Prepare an overview of the Centre which should set out the facilities available, their condition and the current programs being conducted. This is to be drawn from information to be made available by the Town,
- Demographic characteristics of the community residing and working in the catchments area to determine current and potential users,
- Previous studies relating to the provision of community facilities within the area,
- Current and future trends to provide an indication of future usage,
- Social indicators,
- National and local recreation and participation statistics,
- Competitor analysis and comparative assessment of public and privately operated facilities within an 8km radius of the Centre,
- Any technical reports or plans which may be relevant to the proposal including those of similar projects,
- Best practice relating to viability and functioning of other similar facilities in Western Australia and Australia,
- Undertake consultation with key stakeholders being:
 - Elected members
 - Centre management
 - Centre members
 - Beatty park Club representatives
 - Other user groups and patrons
- Prepare a detailed report summarising the findings of the study and providing recommendations,
- Prepare illustrative concept plans indicating potential development proposals together with a costed staged development scenario,
- Provide an analysis of potential operating and staffing costs to implement the proposals.

ABV Consultant Darren Monument provided a progress presentation at the Council Forum of the 19 October 2004.

Stage Two

The feasibility study will review and analyse:

- Background information
- Justification for the proposed facility
- Draft management plan
- Concept design
- Location rationale
- Design/technical evaluation
- Estimate of capital costs and identify potential funding services
- Budget estimates for income and expenditure
- Staging alternatives and opportunities for future development
- Economic and social impact
- Review of the needs analysis

DETAILS:

The study has been underpinned by a broad consultative process that has enabled the general community, centre users, centre staff and key user groups to express view and needs in regards to the current facility and future centre provisions.

The methods of consultation included:

- Call for Public Submissions
- Public Meeting and Workshop
- Beatty Park Leisure Centre Staff Workshops
- Town of Vincent Council Forum ABV presentation
- Random representative survey within the Town of Vincent
- Beatty Park Leisure Centre weighted random Users survey
- Key User Group Survey
- Schools Survey
- Precinct Group Survey
- Interviews with Key Stakeholders

The findings derived from the research analysis and consultation undertaken throughout the course of the study reveal that:

- There is a high level of satisfaction amongst users and the general community with Beatty Park Leisure Centre.
- The Heritage Council of WA registration of Beatty Park Leisure Centre as a place of State significance on the State list of heritage places.
- The current poor state of repair of sections of the facility.
- The age and uncertain lifespan of much of the plant and building.
- The degree and unknown cost of remediation work required on the facility.
- Strong support for upgrade of the facility to modern standards of leisure facility provision.
- Increasing public expectations and standards of leisure facility provision.
- Strong support for the upgrading of the change rooms.
- Recent increased and planned future competition from modern leisure facilities sharing catchment areas.
- Recent opportunities to decrease use of greenhouse gas emissions and operational expenditure through new geo thermal heating technology applications.
- Strong demand from organised user groups for a shared clubhouse facility.
- Consideration of demand for access to deep water options.
- Increasing operational deficit trend of the centre.
- Developments to provide opportunity for increased income-producing features.
- Development to consider provision of unique features to enhance ability to draw increased attendances.
- High level of acceptance of users and community to pay higher fees for use of a redeveloped facility.
- Development to enhance effectiveness of staffing operations.
- Consideration of needs of the aging Town of Vincent population.
- Traffic enhancement opportunities for facility motor vehicle egress.
- High number of people in the community that cycle/walk to the facility.

The need for redevelopment has been expressed via the consultation process that has identified components of Beatty Park Leisure Centre that require upgrading and improvement to contemporary standards of modern leisure facilities. Due to its current state and the present and future increasing costs for maintaining and operating the facility, a redevelopment of Beatty Park Leisure Centre is also considered appropriate as the cost of not redeveloping may be less sustainable in the longer term.

A redevelopment also presents an opportunity to improve aspects of the Centre's functionality and provide efficiencies along with the opportunity to introduce features that can increase attendances and improve financial performance.

The Consultant Darren Monument, the Principal of ABV Consultancy, gave a presentation of the findings to the Council Forum on 19 October 2004.

CONSULTATION/ADVERTISING:

Extensive consultation was undertaken as outlined in the report.

As stated comprehensive consultation and advertising has been undertaken in the preparation of this study.

List below is consultation undertaken.

- Call for Public Submissions
- Public Meeting and Workshop
- Beatty Park Leisure Centre Staff Workshops
- Town of Vincent Council Forum ABV presentation
- Random representative survey within the Town of Vincent
- Beatty Park Leisure Centre weighted random Users survey
- Key User Group Survey
- Schools Survey
- Precinct Group Survey
- Interviews with Key Stakeholders

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Key Result Area 2 - Community Development

"2.4 Provide a range of community programs

3.2(a) Review, improve and formalise the business unit structure for Beatty Park"

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost for the first stage of the project is \$19,360 with the second stage estimated at \$12,000. The total cost project fee is \$31,360 GST exclusive or \$34,496 inclusive of GST. An allocation of \$35,000 was included in the 2003/04 annual budget with \$25,400 carried forward to the 2004/05 budget.

COMMENTS:

The ABV, Consultants of the project, have provided a comprehensive Needs Analysis report. The major highlights are the increased competition for the centre in the surrounding locality, high level of satisfaction amongst the users and general community with the Beatty Park Leisure Centre, strong support for the facility to be upgraded and preparedness to pay higher entrance and associated fees to contribute towards any future upgrade.

As part of the feasibility, it recommends a due diligence report and a hydraulic and mechanical services report is undertaken. This will provide a current assessment of the building and plant at the centre.

It is recommended that Stage 2 of the Needs and Feasibility Study is undertaken.

10.3.5 Headquarters Youth Facility - Change of Management

Ward:	South	Date:	15 November 2004
Precinct:	Oxford Centre - P4	File Ref:	ORG0070
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **ENDORSES** the change of management at the Headquarters Youth Facility to the YMCA, effective from 1 December 2004; and
- (ii) **REVIEWS** the level of future funding to the facility by the Town during the 2005/06 Budget process.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

At the Ordinary Meeting of Council of 12 October 2004 (Item 10.3.2) the following resolution was adopted regarding the lease assignment at the Headquarters Youth Facility:

“That the Council;

- (i) **APPROVES** the assignment of the current lease of Headquarters Youth Facility to the YMCA under the existing terms and conditions; and
- (ii) **REQUESTS** the Chief Executive Officer to provide a report on the management changeover at the HQ Facility on the completion of the process.”

The relevant documentation regarding the assignment of the lease has been prepared for signing by the relevant parties, that is the Town of Vincent and the Headquarters Facility and the YMCA prior to the settlement date of 1 December 2004.

DETAILS:

The YMCA have completed their due diligence on the operations of the facility and have stated their preparedness to take over the management of the facility from 1 December 2004. YMCA has prepared a transfer deed for consideration of the Headquarters Board.

At a special Board Meeting at Headquarters the Youth Recreational Cultural and Arts Association on 8 November 2004. The transfer deed being a contract with a transfer of ownership and assets at Headquarters Youth Recreational Cultural and Arts Association to the YMCA was approved and signed by the chairman.

Another motion to wind up the Youth Recreation Cultural and Arts Association in order to transfer ownership to the YMCA was deferred to another special meeting of the Board scheduled for 24 November 2004. The reason being for this action was that concerns were raised if the resolution should be passed before the ownership of transfer is settled, if the Board agreed to that resolution it becomes final and binding and difficult if not unachievable to reverse.

A Wind Up Notice has to be lodged with the Department of Consumer and Employment Protection (DOCEP) within 14 days after the resolution is passed and therefore it is appropriate at the 1 December 2004 is within that timeframe.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Wind Up Notice for the incorporated body being the HQ Youth Recreational Cultural and Arts Association has to be lodged with DOCEP 14 days after the approved resolution of the HQ Board.

STRATEGIC IMPLICATIONS:

Key Result Area 2 - Community Development

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

FINANCIAL/BUDGET IMPLICATIONS:

\$45,000 is included on the 2004/05 budget for the operations at the Headquarters Youth Facility.

This funding would be reviewed as a matter of course during the budget deliberations for next year and it may be considered to reduce the contribution on a sliding scale over the period of the lease.

COMMENTS:

The Board of HQ engaged a consultant to find an appropriate organisation that will be able to operate the HQ Youth Facility in accordance with its initial concept. It is extremely pleasing that the YMCA has been appointed and agreed to manage the facility from 1 December 2004.

The YMCA is synonymous with youth and recreation activities. It is a well respected organisation, financially sound and with a strong initiative and successful programmes in this area. The Town's administration supports the appointment of the YMCA in this role. The appointment will secure the ongoing operation of the facility in the future.

It is therefore recommended that the appointment of the YMCA as managers of the HQ Youth Facility is endorsed.

10.3.6 Withdrawal of Application to Place the Artwork "Phantacie" at the Headquarters Youth Facility

Ward:	South	Date:	8 November 2004
Precinct:	Oxford Centre - P4	File Ref:	ORG0070
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

FURTHER OFFICER RECOMMENDATION:

That the Council NOTES that the request to relocate the artwork "Phantacie" at the Headquarters Youth Facility has been withdrawn and no further action is required.

COUNCIL DECISION ITEM 10.3.6

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

FURTHER REPORT:

At the Ordinary Council meeting of 12 October 2004 the matter was deferred to allow for further information to be obtained and a further report to be provided."

The original request was to relocate the artwork "Phantacie" at the Headquarters Youth Facility.

The Executive Manager Corporate Services met with the artist on the 22 October 2004 with a view to obtaining information regarding the artwork, in particular the structural status and cost of refurbishment and available funding for the work proposed.

The artwork is currently located at a property in Mundaring and at the time of speaking to the artist the work was able to remain there for the near future. The artist advised that he was considering keeping the artwork at that location.

The Executive Manager Corporate Services subsequently received an email from the artist on 8 November 2004 in which he advised that the artwork would be remaining at the Mundaring location and that he would no longer be seeking the relocation of the artwork to the Headquarters Youth Facility at Leederville.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As the applicant has withdrawn the request to relocate the artwork to the Town, no further action is required.

The original report is no longer relevant and therefore has not been included on the Agenda.

10.3.7 Withdrawal of Application for Interim Use of Les Lilleyman Reserve by Subiaco Football Club

Ward:	North	Date:	16 November 2004
Precinct:	Mt Hawthorn P1	File Ref:	RES0001
Attachments:	-		
Reporting Officer(s):	M Rootsey, John Giorgi		
Checked/Endorsed by:		Amended by:	

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Town's obligation to provide alternative training grounds for Subiaco and East Perth Football Clubs; and*
- (ii) *NOTES the request for interim use of the Les Lilleyman Reserve by the Subiaco Football Club Colts for out of season training from 15 November to 24 December 2004 and from 10 January to 25 February 2005 on Monday and Wednesday from 5pm to 7.30pm, as it has reached a suitable ground sharing arrangement with East Perth Football Club for joint use of Beatty Park Reserve.*

COUNCIL DECISION ITEM 10.3.7

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

At the Ordinary Meeting of Council on 9 November 2004 it was recommended that this item be deferred for further information (in particular to clarify the Town's requirement to provide an alternative training ground and whether the previous Council decision would need to be changed or revoked).

Subsequent to the decision of Council of 9 November 2004 the lease requirements on providing an alternative training ground was researched. It is advised that the lease states a provision of alternative training ground, is to be made available. The lease does not specify any time restrictions about the alternative training ground or any restrictions about the use.

The Chief Executive Officer and Executive Manager Corporate Services met with the General Managers and Football Managers of both Subiaco Football Club and East Perth Football Club on 15 November 2004 to discuss alternative options available for the pre-season training for the Subiaco Football Club. As a result of these discussions the Subiaco Football Club withdrew their request for the use of Les Lilleyman Reserve.

East Perth Football Club (EPFC) have agreed to share the Beatty Park Reserve for the pre-season training period with the Subiaco Football Club. Whilst the EPFC had the oval booked for five evenings a week, but during the pre-season may only be using it for three nights, they have agreed to allow Subiaco Colts to co-share the use the reserve. They will also accommodate the senior squad for the 2-3 week period in which Leederville Oval will be unavailable. This sharing arrangement is in keeping with the spirit of co-sharing of Leederville Oval.

At this meeting the Town was advised that the Tuart Hill Cricket Club was agreeable for some portion of the Charles Veryard Reserve to be available for Subiaco Football Club for training during the pre-season period to use should there be a clash of required times with EPFC. An email to this effect was received on 17 November 2004. This matter is being investigated.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The use of the Town of Vincent Parks and Public Reserves is governed by a Local Law.

In accordance with the Council decision of 30 October 2001, the Council has a legal obligation to make available one of the Town's reserves for SFC Colts football training.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008, Key Result Area 2 – Community Development

“a) Seek community initiatives and involvement in the development of programmes and provides facilities and other recreational reserves appropriate to the Town's needs.”

FINANCIAL/BUDGET IMPLICATIONS:

Subiaco Football Club (and East Perth Football Club) has agreed to pay \$1,000 per annum (increased by CPI) for the use of a reserve in the Town.

COMMENTS:

The joint sharing of Beatty Park Reserve by Subiaco and East Perth Football Clubs is in keeping with the spirit of ground sharing of Leederville Oval. The use of this reserve will be closely monitored to ensure that no problems occur.

As Subiaco Football Club has withdrawn their original application for interim use of Les Lilleyman Reserve, the original report is no longer relevant and therefore has not been included on the Agenda.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	15 November 2004
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 Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

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
04/11/04	Deed of Assignment	2	Town of Vincent and City of Perth re: Nos. 5-9 (Lot 40) Britannia Road, Mount Hawthorn
08/11/04	Lease	2	Town of Vincent and Western Australian Rugby League Ltd (WARL) of 310 Pier Street, East Perth re: Portion of Members Equity Stadium
11/11/04	Deed of Agreement	2	Town of Vincent and Fire & Emergency Services Authority of Western Australia (FESA) for installation of Fire Alarm at the Department of Sport and Recreation Office Building, 246 Vincent Street, Leederville
15/11/04	Deed	2	Town of Vincent and K.S. and D.N. Cole of Anzac Road, Mount Hawthorn re: Grant of Right of Access Easement relating to Right of Way on Vol 1840 on Folio 937 on Plan 2925 between Anzac Road, Britannia Road, Brentham Street and Oxford Street

Date	Document	No of copies	Details
15/11/04	Withdrawal of Caveat	2	Town of Vincent and Minter Ellison, Level 49, Central Park, 152-158 St Georges Terrace, Perth re: No. 118 (Lot 54) (New Lot 1 - Strata Plan 43773) Richmond Street, Leederville
15/11/04	Lease	3	Town of Vincent and The French & Mauritian Society of WA Inc, 10 Farmer Street (Portion of Woodville Reserve), North Perth 6006
16/11/04	Agreement	2	Town of Vincent and Rentworks Ltd of Level 5, Building B, 11 Talavera Road, North Ryde, NSW re: Leasing of Computer Equipment

10.4.2 Council Meeting Dates and Times for 2005

Ward:		Date:	15 November 2004
Precinct:		File Ref:	ADM0016
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *meets on the second and fourth Tuesday of each month (except January and December) in 2005, as detailed in Appendix 10.4.2 attached to this report; and*
- (ii) *meetings be held at 6.00pm on the dates as detailed in Appendix 10.4.2.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

The Local Government Act 1995 (Section 5.3) and the Local Government (Administration) Regulations 1996, Regulation 12, requires the Council to determine meeting dates and times and for these to be published on a local basis throughout the Town.

The Council did not meet in January 2004 and the CEO was given delegated authority for the period late December 2003 to the first meeting in February 2004 to deal with matters of urgency. A report summarising the urgent items of business dealt with, including the reason for urgency, under delegated authority was submitted for information to the Council at its meeting held on 11 March 2003. However, matters requiring an "Absolute Majority" could not be approved under delegated authority.

At the Ordinary Meeting of Council held on 24 February 2004, the Council considered this matter and resolved as follows;

"That the Council;

- (i) *NOTES the items approved under Delegated Authority over the period 17 December 2003 to 9 February 2004, as shown in Appendix 10.4.1 and as "Laid on the Table"; and*
- (ii) *REQUESTS the Chief Executive Officer investigate and report back to Council no later than May 2004 on the operation of delegation in other councils over the New Year recess period, specifically investigating whether other councils have identified:*

- (a) *a means of incorporating minor amendments to the recommendation of the officers' by Elected Members prior to Council making its resolution;*
- (b) *the level of significance of items that should be considered by delegation during Council's recess;*
- (c) *a means of determining the Elected Members available to participate, including consideration of the effect of Elected Members declaring an interest; and*
- (d) *the number of Elected Members objecting to an item that initiates that item coming to Council for formal consideration rather than the item being deemed a refusal."*

At the Ordinary Meeting of Council held on 8 June 2004, the Council resolved as follows"

"That;

- (i) *the Council RECEIVES the report on the operation of delegations in other Local Governments (used over the Christmas/New Year Festive Season recess period), as detailed in this report;*
- (ii) *the Council AMENDS its Meeting Schedule to re-introduce a meeting in January of each year to be held on the third Tuesday;"*

As a January Council Meeting has been reintroduced, there will be no requirement for reports to be approved under Delegated Authority during the Christmas/New Year Festive Season.

COMMENTS:

It is recommended that the Council continue to meet on the second and fourth Tuesday of each month in 2005, with the exception of January and December.

10.4.5 Draft Amended Community Consultation Policy - Interim Report

Ward:	Both Wards	Date:	16 November 2004
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 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.*

COUNCIL DECISION ITEM 10.4.5

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

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."*

DETAILS:

The Town's Officers are currently preparing the following draft documentation:

- (i) Amended Policy relating to Community Consultation - which will address matters such as those raised at the Elected Members Forum held on 21 September 2004 and detailed in Item 10.4.1 to the Ordinary Meeting of Council held on 28 September 2004;
- (ii) Community Consultation Charter - Planning, Building and Heritage Matters- which will address matters such as the key principles in the preparation of submissions, a table containing typical comments matters and typical comments examples, and key responsibilities of the Town's Elected Members and employees in processing and considering submissions;
- (iii) Community Consultation Submission Guidelines - Planning, Building and Heritage Matters - which will address matters such as the community consultation process, a table outlining matters that require specific community consultation, consultation process flow chart, community consultation charter, and how to make a submission and general queries; and
- (iv) Community Consultation Submission Form - Planning, Building and Heritage Matters - which will address matters such as details of the subject matter being advertised (including a compliance table outlining any variations to the acceptable development requirements for development applications); comment period; space for the submitter to provide their name, address and other contact details; questions whether the submitter objects to or supports the matter; space for the submitter's comments; and whether the submitter objects or not to their names being contained in the Council Meeting Agenda Report relating to the matter.

The draft amendments and policy is also being reviewed to take into account the recently introduced changes to streamline the development approval process.

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 2003-2008, Key Result Area 2.3 *"Ensure effective public relations and communications"*.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

The Draft Amended Policy relating to Community Consultation, and associated Draft Community Consultation Charter, Submission Guidelines and Submission Form relating to Planning, Building and Heritage Matters are still being developed. The Town's Officers have not progressed these documents to a stage where they are considered acceptable for consideration by the Council, mainly in light of the focus and resources being diverted to the review of the development approval process. These draft community consultation documents are expected to be finalised in February 2005.

In light of the above, it is recommended that Council receives this interim report, and notes that a further report, the Draft Amended Policy relating to Community Consultation and associated draft documents, will be submitted to an Ordinary Meeting of Council to be held in February 2005.

10.4.6 Information Bulletin

Ward:	-	Date:	15 November 2004
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 23 November 2004 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 23 November 2004 are as follows:

ITEM	DESCRIPTION
IB01	Rangers' Statistics for July, August and September 2004
IB02	Letter from the Premier of Western Australia - Legislation to Address and Control Prostitution, Brothels and Massage Parlours
IB03	Department of Local Government and Regional Development - Circular No 11-2004 - Local Government Amendment Bill 3: Summary of Provisions
IB04	Riverplan – An Environmental Management Framework for the Swan and Canning Rivers
IB05	Forum Notes - 2 November 2004

10.1.14 No(s). 76 (Lot(s) 2) Carr Street, West Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Grouped Dwellings - Determination of Town Planning Appeal Tribunal

Ward:	South	Date:	15 November 2004
Precinct:	Cleaver; P5	File Ref:	PRO2730; 00/33/2121
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in light of the Town Planning Appeal Tribunal decision on 26 October 2004 to uphold an appeal and approve the application submitted by Niche Building on behalf of the owner M, J & MA Guardione, Guardione & Mattioli for proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Grouped Dwellings, at No(s). 76 (Lot(s) 2) Carr Street, West Perth, and as shown on plans stamp-dated 5 March 2004 and 29 April 2004, the Council APPLIES the following conditions to this proposed development:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Carr 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;*
- (ii) *compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the landscaping along the eastern boundary being deleted to facilitate adequate manoeuvring; and*
 - (b) *all proposed car bays being a minimum length of 5.4 metres exclusive of the stores.*

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

- (vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Carr Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (vii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the games room, bedroom 3 and bedroom 1 of unit 1, meals and alfresco of unit 2, and alfresco and dining of unit 3, on the east elevation on the first floor of the east elevation of units 1, 2 and 3 shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Cr Torre departed the Chamber at 7.12pm.

Debate ensued.

CARRIED (7-0)

(Cr Farrell was an apology for the meeting. Cr Torre was absent from the Chamber and did not vote.)

Landowner:	M, J & MA Guardione, Guardione & Mattioli
Applicant:	Niche Building
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:	668 square metres
Access to Right of Way	N/A

BACKGROUND:

22 June 2004

The Council, at its Ordinary Meeting, resolved to refuse the application for the proposed demolition of existing single house and construction of three (3) two-storey grouped dwellings.

- 3 August 2004 The applicant lodged an appeal with the Town Planning Appeal Tribunal (TPAT) against the Council's refusal.
- 13 August 2004 The Town lodged the Respondant Statement with the TPAT.
- 20 August 2004 The Directions Hearing held at the TPAT.
- 24 September 2004 The Hearing held at the TPAT.
- 26 October 2004 The TPAT upheld the appeal, and requested the Town to formulate standard approval conditions.

DETAILS:

The proposed development approved by the TPAT, is identical to that refused by Council, at its Ordinary Meeting on 22 June 2004. A copy of the TPAT's letter and reasons for decision dated 26 October 2004 is "*Laid on the Table*" and circulated separately to Elected Members.

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

In light of the above, it recommended that the Council apply the conditions to the subject development, as detailed in the Officer Recommendation. These conditions are identical to those planning conditions applied in the Officer Recommendation contained in the report to the Ordinary Meeting of Council held on 22 June 2004.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Refer to 'Compliance' in Item 10.1.13 to 22 June 2004 Ordinary Meeting of Council			
Consultation Submissions			
Support	Refer to 'Consultation /Advertising' in Item 10.1.13 to 22 June 2004 Ordinary Meeting of Council		
Objection			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications - Total planning consultant fees to act behalf of Town			\$2341.40

10.2.1 Further Report - Proposed Streetscape Improvements, Fitzgerald Street Business Precinct, North Perth

Ward:	South	Date:	11 November 2004
Precinct:	North Perth Centre P9	File Ref:	TES0130
Attachments:	001		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the Proposed Streetscape Improvements - Fitzgerald Street Business Precinct, North Perth;*
- (ii) *APPROVES the proposal estimated to cost \$290,500 as outlined on attached revised Plan No. 2273-CP-1A;*
- (iii) *NOTES that, as previously resolved at its ordinary meeting held on 8 June 2004, additional funds of \$80,000 were required to implement the proposal, however, an additional \$14,500 is also now required to implement the revised proposal as outlined on Plan No.2273-CP-1A;*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate an additional \$14,500 from the Mt Hawthorn Business Precinct Upgrade and reinstates these funds to the Mt Hawthorn project in the 2005/2006 financial year;*
- (v) *WRITES to the owners of the areas which are most suitable for planting additional verge trees advising them of their revised funding contributions and thanking them for supporting the proposed Streetscape upgrade initiatives;*
- (vi) *CONDUCTS a trial "half closure" of Alma Road at the intersection of Fitzgerald Street using water filled barriers or similar for a three (3) month period between February and April 2005, assesses traffic in Alma Road, Forrest Street, View Street and Glebe Street before and during the trial, and receives a report at the conclusion of the trial period;*
- (vii) *REVIEWS the parking and traffic on Fitzgerald Street between Raglan Road and Angove Street including access to and from side streets during the trial outlined in clause (vi) above and further considers this matter at the conclusion of the trial period; and*
- (viii) *WRITES to all respondents advising them of the decision and thanking them for their comments and participation.*

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Mayor Catania had declared a proximity interest in this Item (refer to 8.4). Council had resolved to permit the Mayor to participate in debate but not the voting.

The Chief Executive Officer advised the Council that the Deputy Mayor should preside over this matter as the Council had not approved the Mayor to remain as Presiding Member due to his interest.

Deputy Mayor - Cr Ker, assumed the Chair at 7.23pm.
Cr Torre returned to the Chamber at 7.23pm.

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

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

"(ix) RECONSIDERS the tree species to be used taking into account the impact on the water quality of Hyde Park, aesthetics, shade and suitability and avoiding the choice of deciduous trees."

Debate ensued.

Mayor Catania departed the Chamber at 7.43pm while the voting took place.

AMENDMENT LOST (2-5)

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

(Cr Farrell was an apology for the meeting. Mayor Catania was absent from the Chamber and did not vote.)

Mayor Catania returned to the Chamber at 7.44pm. Deputy Mayor - Cr Ker, advised the Mayor that the amendment was lost.

Moved Cr Chester, Seconded Cr Franchina

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

"(ix) AUTHORIZES the Chief Executive Officer to further investigate lowering the height of the lights in the central median of the Fitzgerald Street Streetscape."

Debate ensued.

Mayor Catania departed the Chamber at 7.45pm while the voting took place.

AMENDMENT CARRIED (6-1)

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

(Cr Farrell was an apology for the meeting. Mayor Catania was absent from the Chamber and did not vote.)

Mayor Catania returned to the Chamber at 7.46pm. Deputy Mayor -Cr Ker, advised the Mayor that the amendment was carried.

Debate ensued.

Mayor Catania departed the Chamber at 7.47pm while the voting on the substantive took place.

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Farrell was an apology for the meeting. Mayor Catania was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the further report on the Proposed Streetscape Improvements - Fitzgerald Street Business Precinct, North Perth;*
- (ii) *APPROVES the proposal estimated to cost \$290,500 as outlined on attached revised Plan No. 2273-CP-1A;*
- (iii) *NOTES that, as previously resolved at its ordinary meeting held on 8 June 2004, additional funds of \$80,000 were required to implement the proposal, however, an additional \$14,500 is also now required to implement the revised proposal as outlined on Plan No.2273-CP-1A;*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate an additional \$14,500 from the Mt Hawthorn Business Precinct Upgrade and reinstates these funds to the Mt Hawthorn project in the 2005/2006 financial year;*
- (v) *WRITES to the owners of the areas which are most suitable for planting additional verge trees advising them of their revised funding contributions and thanking them for supporting the proposed Streetscape upgrade initiatives;*
- (vi) *CONDUCTS a trial "half closure" of Alma Road at the intersection of Fitzgerald Street using water filled barriers or similar for a three (3) month period between February and April 2005, assesses traffic in Alma Road, Forrest Street, View Street and Glebe Street before and during the trial, and receives a report at the conclusion of the trial period;*
- (vii) *REVIEWS the parking and traffic on Fitzgerald Street between Raglan Road and Angove Street including access to and from side streets during the trial outlined in clause (vi) above and further considers this matter at the conclusion of the trial period;*
- (viii) *WRITES to all respondents advising them of the decision and thanking them for their comments and participation; and*
- (ix) *AUTHORISES the Chief Executive Officer to further investigate lowering the height of the lights in the central median of the Fitzgerald Street Streetscape.*

The Chief Executive Officer advised that as the Mayor Catania had declared a financial interest in Item 10.3.2 it would be appropriate to bring this Item forward while he was out of the Chamber.

Moved Cr Torre, Seconded Cr Franchina

That Item 10.3.2 – Investment Report, be brought forward.

CARRIED (7-0)

(Cr Farrell was an apology for the meeting. Mayor Catania was absent from the Chamber and did not vote.)

BACKGROUND:

At its ordinary meeting held on 8 June 2004, the Council considered a further report on the extension of the Angove Street streetscape theme into the Fitzgerald Street Business Precinct.

At the 8 June 2004 meeting, it was recommended that a public meeting be held in June 2004, at a suitable venue in Fitzgerald Street, to present and discuss the proposal with all interested stake holders. It was also recommended that the Town's officers further consult with stakeholders following the public meeting, giving 21 days to provide written comments on the proposal.

The Council subsequently made the following decision:

"That the Council;

- (i) RECEIVES the report on the Streetscape Improvements - Fitzgerald Street Business Precinct, North Perth;*
- (ii) ADOPTS, in principle, the proposal as outlined on attached Plan No. 2273-CP-1 suggesting the consultation gives alternative options such as exotic trees, as outlined in the report and Australian trees (with Apple Gums for the median strip and Coral Gums and Apple Gums on the verge);*
- (iii) NOTES that some of the areas which are most suitable for planting additional verge trees and the installation of seating comprise private property and these property owners may be required to contribute to any future proposed works within the private land;*
- (iv) NOTES that as there are only sufficient funds available in the current budget to implement Stage 1 of the proposal it reallocates BY AN ABSOLUTE MAJORITY \$80,000 from the Mt Hawthorn Business Precinct Upgrade and reinstates these funds to the Mt Hawthorn project in the 2005/2006 financial year;*
- (v) CONDUCTS a public meeting in June 2004, at a suitable venue in Fitzgerald Street, to present and discuss the proposal and invites all interested stake holders to attend;*
- (vi) CONSULTS with all stakeholders, following the public meeting, giving 21 days to provide written comments on the proposal;*
- (vii) RECEIVES a further report at the conclusion of the consultation period;*
- (viii) prior to implementing the works, Council reviews parking and traffic on Fitzgerald Street between Raglan Road and Angove Street including access to and from side streets; and*

- (ix) *investigate the cost and placing of banner poles in the central median (not to detract from a continual row of central median trees) including the cost of erecting and removal of banners."*

The further streetscape improvements works will therefore comprise:

- The partial under grounding of power lines
- Centre of road double outreach decorative lighting to create improved lighting
- Centre of road trees / shrubs
- Verge planting and landscaping
- Centre of road banner Poles
- Safety improvements, safety fencing
- Street furniture, seating and decorative litter bins
- In ground reticulation / bore

DETAILS:

Public Meeting

In accordance with clause (v) above, a public meeting was held at the Rosemount Hotel on 11 August 2004. The meeting was attended by eleven (11) members of the public, the Mayor, five (5) elected members and four (4) Council officers.

The proposed streetscape improvements were outlined via a power point presentation. (refer attached).

The presentation focused mainly on the landscaping options (Natives verses Exotics) and other improvements including street furniture, banner poles and the partial undergrounding of power and associated works.

Some of the comments received at the meeting are summarised as follows:

- Plaza originally had soft landscaping which has been allowed to deteriorate over the years and is no longer attractive, plus we need more shade areas.
- Fitzgerald Street (through the precinct) should ultimately be a 50kph zone.
- How big/tall are Plane trees compared to Chinese Tallows? We don't want verge trees that will obstruct signs and awnings.
- The Chinese Tallow verge tree over the road (opposite hotel in Fitzgerald Street north of Wasley Street) was cut down by persons unknown as it created a sight distance hazard for motorists turning out of Wasley Street.
- Are spotted gums a new variety? What do the Town of Cambridge use?
- The inclusion of the safety fencing, benches and bins should make streetscape more welcoming.
- Concerned the height of the proposed fence obstruct their window displays and advertising (Florist and Gift Shop proprietors)
- Will the alternative fence (and planting) in the central median create a visual barrier and safety issue? Concerns were raised that people may get caught in traffic if they cross where the fence is.

- The Town needs to consider a contributory scheme whereby it installs and maintains planters at the front of commercial premises as the traders/businesses haven't enough time.

Community Consultation

In accordance with clause (vi) of the Council's decision, all businesses / residents affected by the proposal, including the attendees at the above public meeting, were requested to provide comments regarding the proposal.

On 17 August 2004, seventy five (75) letters were distributed. At the close of the consultation period, on 7 September 2004, twenty three (23) replies had been received (31% response).

The respondents were requested to indicate YES or NO to the following five (5) questions:

1. Do you concur with the proposal as shown on Plan No 2273-CP-1A? **Y=21, N=2**
2. Do you prefer that 'native' vegetation be planted along Fitzgerald St? **Y=6**
3. Do you prefer that 'exotic' vegetation be planted along Fitzgerald St? **Y=14**
4. Do you concur with the proposed modifications to the Alma Rd/Fitzgerald St intersection to improve safety? **Y=20, N=2**
5. Do you consider that the on road parking on the western side of Fitzgerald St between Alma Rd and Angove St is hazardous and should be removed? **Y=12, N=7**

Summary

- The majority of respondents (91%) are in favour with the proposal, however, many added comments (refer below)
- The majority of respondents (61%) prefer 'exotic' vegetation
- The majority of respondents (87%) are in favour of the proposed modifications to the Alma Rd/Fitzgerald St intersection to improve safety
- The majority of respondents (52%) believe the on road parking on the western side of Fitzgerald St between Alma Rd and Angove St is hazardous and should be removed

Comments received

- Very good vision of Council to address streetscape. Thank you.
- Think proposal is fantastic but feel parking should remain as it is as this has created a slowing of traffic which previously was flowing through at dangerously high speeds. Lighting, seating and vegetation are the key points.
- It is crucial to our business that motorists have access to Wasley Street from Fitzgerald St.
- No point in creating a left turn from Alma St to have access blocked by parked vehicles. This will cause too much congestion.
- The parking situation is an absolute shambles, particular between View and Angove Sts. There is no way I would enter into a cost sharing arrangement of any kind regarding trees and street furniture on my property. I would not object to any of these items being placed on my property but am not interested in paying to have people sit on council seats on my property. My annual rates should cover any such expenditure by the Town of Vincent.

- The owners of the Rosemount Hotel request the addition of a pedestrian safety barrier fence on the corner of Fitzgerald and Angove Sts. This corner has a high pedestrian traffic flow for people using the Rosemount Hotel, Rosemount Bowl, Pot Black and various other businesses in the area.
- Plan looks good except for the safety fence. If installed, should be as low as possible - just high enough that people get the idea. Would suggest moving the traffic lights from in front of the North Perth Plaza to the Alma/Fitzgerald intersection and to include a pedestrian phase. Main problem at Alma/Fitzgerald is motorists travelling too fast going northward and the bad visibility from Alma looking south. A problem is that motorists turning left out of Alma have to move to the middle lane which brings them into conflict with the fast traffic in that lane. Probably another reason for moving the traffic lights.
- Proposed changes will force more drivers to use Forrest St to travel east and then south through the area. Suggest waiting for the effect of Forrest St modifications to be measured and assessed and consult with Forrest St residents more directly.
- Safety barrier (north side Forrest) cannot go in. It is a bus stop right up to the traffic lights. Bus stop on opposite side should have been moved long ago to north of where it is. Speed humps prior to crosswalk would reduce speed. Too many barriers between Coles side and shops on east side of Fitzgerald will create even more of a psychological barrier.
- The parking is not hazardous - it's the cars going too fast. The parking is an excellent idea but the traffic must be slowed. Removal of parking will lead to the same problems as before - too many people being hit by cars.
- Parking must be retained to slow down traffic. If removed other methods must be used to slow down traffic.
- Not in favour of property owners required to contribute to any proposed works such as planting verge trees within private land. Who will be responsible for maintaining the trees and seating on private land?
- Would like traffic lights installed at the Alma/Fitzgerald intersection. It is the main intersection which leads to the entry/exit of shopping mall car park and there have been many accidents at that point.
- The purpose of the street parking up to Angove St was to put some life back into the shops alongside and opposite. By removing parking people have to pull off the street to use shops they will only be in for 5 minutes. They will just drive through and shop elsewhere. Since parking was installed 3 shops have opened. Prior to available parking it was a row of empty shops. If the area is to become vibrant again, it needs more parking not less.
- Is it possible to get an idea of where the safety barrier fencing will be placed? Is it possible to request safety barrier fencing along the verge edge in front of your business? Are speed humps part of the streetscape? Are the overhead powerlines going to be removed in the proposed streetscape?

Other General Comments

- Do not like the car park on View St. Difficult to see oncoming cars when exiting. Parking "at all times" should not be allowed on Fitzgerald St.

- Would like consideration given to the elderly in the area. Would like an "Overpass" or "Underpass" about where the pedestrian crossing is located. An underpass would be the best option and the east side could commence in the existing car park behind the shops and come up in the small arcade opposite Coles. This would reduce the number of traffic lights and islands which now hinder traffic flow along Fitzgerald Street. The major need is for the elderly and mothers with prams and school children to be able to cross Fitzgerald St safely

Meetings with Property Owners:

Due to the narrow verge widths, to achieve the desired improvements in the amenity in the street, owners were advised that it was highly desirable that some works be carried out on the privately owned land.

These areas include the large brick paved area of land on the western side of Fitzgerald Street, between View St and Alma Road (adjacent to the brick paved verge).

In accordance with clause (iii) of the Council's decision in September and October 2004, the Town's officers met with the Strata Manager of North Perth Plaza Shopping Centre and several other property owners along Fitzgerald Street.

The overall proposal was outlined and they were asked whether they were prepared to contribute towards the placement of trees in their property. They were advised that should they be prepared to pay for the trees the Town would plant the trees, maintain the trees and install and maintain the street furniture.

North Perth Plaza

Following the meeting of 17 September 2004, the North Perth Plaza Strata Management were advised as follows

"The following works are proposed to be implemented in this area of land (Privately owned):

Trees

Six (6) 1000 litre trees (species to be determined) will be planted at a total cost of \$6,000. It is proposed to plant these large trees in the wide open area directly adjacent to the North Perth Plaza.

Four (4) 250-500 litre trees (species to be determined) will be planted at a total cost of \$1,600. It is proposed to plant these trees in the area directly adjacent to the North Perth Plaza car park.

Reticulation

Supply and installation of reticulation (including trenching / reinstatement) at a total estimated cost of \$3,200.00

Street Furniture

Supply and installation of 4 decorative seats and two decorative litter bins at a total estimated cost of \$6,600

As outlined above, the total expenditure in the privately owned land will be in the order of \$17,400.

The Town would supply all materials and carry out all the works. The Town would also be responsible for all ongoing maintenance costs including pruning and watering costs etc. The Town would also pay for the supply and installation of the reticulation and street furniture and this infrastructure would remain the property of the Town.

The private land owners would be required to fund the supply and installation of the trees.

Therefore the estimated cost of the proposal, on the private land, is as follow:

- *Town of Vincent cost would be \$9,800 (responsible for all future maintenance)*
- *Land owners cost would be \$7,600*

I hope the above provides adequate information for you to present to your clients.

There may be some minor scope to negotiate further on the cost to the land owners to ensure that a favourable outcome is achieved, however, this is what should be presented to them in the first instance."

The following response was received from the North Perth Plaza Strata management on 12 October 2004:

"In response to the above proposal detailed in your correspondence of 22 September 2004, we advise the following, a copy of your letter as well as a copy of the plans were forwarded to all owners individually and their response requested by way of advice note.

Without having called a general meeting we received their responses, which are remarkable in the similarity of opinion stated and we attach a copy of these for your perusal and consideration.

In summing up the response of the Strata Company, the upgrade proposed is welcomed and deemed to be the responsibility of the Town of Vincent for the benefit of both the Town of Vincent and the ratepayers.

In order to be able to provide written approval to the town of Vincent for the use of the private property we will require your advice regarding a final costing, if any, to the Strata Company."

Attached to their letter were eleven (11) completed questionnaires from the individual property owners. Nine (9) respondents indicated they agreed with the proposal and two (2) respondents did not agree with the proposal.

The owners in favour, however, requested that the \$7,600 requested be discounted.

Other owners

Two (2) owners from separate properties agreed to contribute towards trees on their properties conditional upon the Town being responsible for all future maintenance and watering of the trees. They also agreed to street furniture being placed on their property under similar terms and conditions.

Summary of contributions by Owners

- North Perth Plaza - previously requested \$7,600, revised contribution required \$4,400. (\$400 per owner).
- Other owners - Total contribution required \$1,600 (\$800 per owner).
- Total Contribution = \$6,000

Officers Comments:

Plan No. 2273-CP-1 has been modified (*refer Plan No. 2273-CP-1A*) to reflect some of the relevant comments received as follows:

- Additional safety barrier fencing on the south west corner of Angove Street and Fitzgerald Street.
- Removal of a portion of safety fencing on the north and south side of Fitzgerald Street north of Forrest Street.
- Bradford Pears more appropriate in locations where businesses don't want verge trees that will obstruct signs and awnings.
- Fencing deleted on the central median and planting modified.
- At signalised pedestrian crossing asphalt will be removed and will be replaced with red asphalt.
- An exotic planting theme (similar to Angove Street) is proposed to be implemented and implemented

In addition, it is considered that the proposed 'half seagull' closure at the Alma / Fitzgerald Street intersection be trialled using water filled barriers for a period of three (3) months (February 2005 - April 2005) once the Forrest Street works have been completed. The proposed process would be as follows:

- Assess traffic in Alma, Forrest, Glebe and View Street (Glebe to Fitzgerald) *prior* to trial.
- Assess traffic in Alma, Forrest, Glebe and View Street (Glebe to Fitzgerald) *during* trial.
- Report the findings to Council *prior* to proceeding further with any intersection modifications.

Erection of Banners

The Town has investigated the cost to erect banners on the proposed banner poles along Fitzgerald Street. The estimated cost would be \$500 to \$600 for labour and cherry picker, with the Town supplying its own fixtures.

FINANCIAL/BUDGET IMPLICATIONS:**Total Estimated Cost**

Item	Estimated Cost	Comments
Cut Leaf Plane Trees	\$12,000	Centre of road planting
Bradford Pear Trees	\$5,000	In wide areas (private property)
Evergreen Ash Trees	\$3,500	Along verges and private property
Supply and Install Domestic Bore	\$2,500	Alma Street verge
Supply and Install pump	\$3,000	Submersible type
Electrical Supply	\$4,000	Western Power
Electrical Cubical	\$4,000	Control and pump switches
Reticulation supply and Install	\$30,000	
Road & Footpath reinstatement	\$50,000	
Road treatments	\$5,000	
Street Furniture	\$22,000	Rubbish bins and seating
Decorative Fencing	\$25,000	
Banner Poles	\$11,500	
Central Garden beds	\$3,000	
Partial Underground Power Decorative double outreach lights	\$100,000	Meadow Spring- with Bourke Hill fitting (Black)
Traffic Control / Supervision/contingency	\$10,000	
TOTAL	\$290,500	

Funds allocated in the 2004/2005 budget for the project include \$190,000. At the Ordinary meeting of Council held on 8 June 2004, it was decided that the Council ...*reallocates BY AN ABSOLUTE MAJORITY \$80,000 from the Mt Hawthorn Business Precinct Upgrade and reinstates these funds to the Mt Hawthorn project in the 2005/2006 financial year...*

Therefore, funds available for the project total \$270,000. The revised estimated cost is \$290,500 and the majority of property owners have agreed to contribute towards the tree component in private property. This is estimated to cost \$6,000.

Therefore the funds required are as follows:

- Estimated project cost = \$290,500
- Current funds = \$190,000 (2004/2005 budget)
- Reallocate from Mt Hawthorn Business Precinct Upgrade = \$80,000 (OMC 8 June 2004)
- Contribution = \$6,000 (property owners)
- Outstanding funds required = \$14,500 to be reallocated from Mt Hawthorn Business Precinct Upgrade

LEGAL/POLICY IMPLICATIONS:

In accordance with 'good governance', Section 3.1 of the Local Government Act 1995, the Council may perform certain works on private land if these works are in the best interest of the community.

ADVERTISING/COMMUNITY CONSULTATION:

It is recommended that all the respondents be advised of the Council's decision.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2003-2008 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "*e) Continue to develop and implement streetscape enhancements.*"

COMMENTS:

The success of the streetscape upgrades carried out in the Town to date suggests that most members of the community, be they businesses, visitors or residents, are very much in favour of these types of upgrading works.

Streetscape improvements not only improve the aesthetics of roadways but also reduce the liability on the Town, resulting from ageing and unsafe footpaths and pavements.

The process has involved a public meeting, community consultation and one on one liaison with property owners. The plan has been amended to take into account some of the comments received and the estimated cost of the works in private property has been reviewed.

It is therefore considered that the officer's recommendation as presented be adopted by the Council.

Mayor Catania had declared a financial interest in this Item. Mayor Catania had departed the Chamber at 7.47pm and did not speak or vote on the matter. (Refer to Item 10.2.1)

Deputy Mayor -Cr Ker, remained in the Chair as Presiding Member.

10.3.2 Investment Report

Ward:	-	Date:	16 November 2004
Precinct:	-	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 October 2004 as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Franchina, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology for the meeting. Mayor Catania was absent from the Chamber and did not vote.)

BACKGROUND:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date. Details are attached in Appendix 10.3.2. Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 31 October 2004 were \$14,300,617 compared with \$15,101,514 at 30 September 2004. At 31 October 2003, \$8,855,825 was invested.

Total accrued interest earned on Investments as at 31 October 2004:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	81,037	27.01
Reserve	297,300	152,594	51.33

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

Mayor Catania returned to the Chamber at 7.50pm. Deputy Mayor – Cr Ker advised of the outcome of Items 10.2.1 and 10.3.2. Mayor Catania assumed the Chair.

10.1.21 Further Report - No. 141 (Lot 6) Scarborough Beach Road, Corner Fairfield Street, Mount Hawthorn – Proposed Increase in Accommodation/Patronage Numbers at Existing Hotel

Ward:	North	Date:	19 November 2004
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO1137; 00/33/1828
Attachments:	001;002		
Reporting Officer(s):	M Bonini, D Brits, J Maclean, R Lotznicher, C Wilson		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the requested additional and updated information received on 17 November 2004:*
 - (a) *"Paddington Alehouse Parking Submission";*
 - (b) *"Paddington Alehouse - Patron Parking Management Plan";*
 - (c) *"Paddington Alehouse - Harm Minimisation and Management Plan";*
 - (d) *"Paddington Alehouse - House Management Policy"; and*
 - (e) *"Paddington Alehouse - Code of Conduct";*

as shown in Attachment 002 and "Laid on the Table";
- (ii) *CONDITIONALLY APPROVES in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by N Randall on behalf of the owner A Swanson for proposed increase in accommodation / patronage numbers at existing hotel on No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, and as shown on the plans stamp dated 22 September 2003, subject to:*
 - (a) *a CONDITIONAL INCREMENTAL INCREASE of fifty (50) additional patrons every three (3) months from the existing 400 to potentially a maximum of 600, subject to review and support from the Chief Executive Officer after each three monthly performance assessment of the number of formal complaints and other relevant information regarding community impact, however Council retains the right to review the incremental increase in totality within the first 12-month period should justified matters regarding detrimental community impact be reported;*
 - (b) *compliance with the Management Plans detailed under clause (i);*
 - (c) *two (2) A-frame signs shall be provided and maintained by the applicant chained to trees on both sides of Fairfield Street, South of Scarborough Beach Road at the applicant's expense, licensing and public liability cover, that displays the following information to the satisfaction of the Chief Executive Officer: "PARKING WARNING - Fairfield Street is time and residential use restricted at all times. Infringements up to \$85. Alternative parking site information available at Paddington Alehouse. Thank you";*
 - (d) *ongoing compliance with all relevant Environmental Health, Engineering and Building requirements; and*

- (e) *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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.21

Moved Cr Torre, Seconded Cr Doran-Wu

That the recommendation be adopted.

Cr Lake departed the Chamber at 8.16pm.

Moved Cr Doran-Wu, Seconded Cr Torre

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

"(ii)(f) the residents of Fairfield Street between Scarborough Beach and Anzac Roads be notified of the decision of Council, the letter should explain the decision and include a contact number for any complaints."

Debate ensued.

Cr Lake returned to the Chamber at 8.17pm.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Debate ensued.

The Chief Executive Officer advised Mayor Catania that under Standing Orders he had already spoken so the only person that could speak was the mover.

Moved Cr Ker, Seconded Cr Chester

That the discussion carried out by Mayor Catania was a "point of clarification" rather than a contribution to the debate.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Moved Cr Ker, Seconded Cr Torre

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

"(ii)(g) confirmation of continued access to the Mt Hawthorn Plaza carparking or alternative carparking during the reconstruction period for the shopping centre."

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Moved Cr Chester, Seconded Cr Franchina

That the Item be DEFERRED to the Ordinary Meeting of Council to be held on 7 December 2004 so that letters can be sent to residents in the area advising them that the matter is being considered by the Council.

CARRIED (6-2)

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

(Cr Farrell was an apology for the meeting.)

In response to a query, the Chief Executive Officer advised that as the Item had been deferred, any amendments made were no longer valid and would lapse and the original Officer Recommendation remains.

Debate ensued.

The Chief Executive Officer advised that as part of the application process the residents of the area would be advised that this matter would be considered at the Council Meeting on 7 December 2004.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 13 April 2004, considered the subject proposal and resolved to defer the item for more information to be supplied.

Further deliberations occurred after an oral presentation by Mr Neil Randall during the Elected Member Forum that took place on Tuesday, 16 November 2004 and officers subsequently required additional information.

On 17 November 2004 updated information was received that includes the following documentation:

- "Paddington Alehouse Parking Submission";
- "Paddington Alehouse - Patron Parking Management Plan";
- "Paddington Alehouse - Harm Minimisation and Management Plan";
- "Paddington Alehouse - House Management Policy"; and
- "Paddington Alehouse - Code of Conduct".

Health Services

Health Services report that since the public meeting conducted by the establishment and Council Officers with local residents on 20 December 2003, only two (2) complaints have been lodged - one in relation to noise/anti-social behaviour outside the premises, and one in relation to parking. The Licensee indicated that the Paddington Alehouse received approximately six (6) complaints during this period.

Over the course of the past 6 months, the applicant has endeavoured to provide as much additional information as possible to address the concerns held by the Council and the adjoining residents.

The information supplied includes a letter from the applicant addressing issues such as bus strategies, anti-social behaviour and taxi strategies. Swan Taxis have confirmed in writing the provision of a Swan Taxis 'Free Phone and Cabspot' for the patrons of the Paddington Ale House to receive a fast and efficient taxi service. Further to this, the Taxi Council of Western Australia has requested that the taxi rank operate safer and more efficient via the implementation of three permanent taxi rank car bays thus, deterring private cars from parking in the taxi rank.

In addition to the above, the applicant has organised with the Hawaiian Management Group, acting on behalf of the owners for the Mount Hawthorn Shopping Centre, the use of the shopping centre car park for the patrons of the Paddington Ale House. The Hawaiian Management Group has also expressed a willingness to enter into a formal agreement with the applicant after the redevelopment is completed. This has been confirmed in writing by the Management Group.

Racing and Wagering Western Australia have also expressed written consent for the use of the car parking bays at the TAB agency at No. 118 Hobart Street for the Paddington Ale House patrons in non-peak periods of the TAB operations.

A further letter has been provided by Oldfield Knott Architects justifying the proposal before Council. A copy of the above letters are '*Laid on the Table*'.

Planning Services

In relation to car parking requirements and in accordance with the recently adopted 'Parking and Access' Policy, car parking requirements are based upon the number of beds/bedrooms plus the public floor area, or the maximum number of persons approved, whichever is greater. The subject proposal will not involve an increase in the public area, however, the proposed increase in accommodation/patronage numbers will result in an increase in parking requirements from 89 to 133 car bays. However, as car parking requirements will be greater when calculated based upon public floor area, the parking requirements for the proposal remains unaffected.

Law and Order Services

Since 1 January 2004, Rangers have been enforcing the parking restrictions in Fairfield Street on a daily basis. Rangers attend Fairfield Street at least once every day and their times of patrols were varied, to ensure that the statistics provide a cross section of all days and various times.

Between 1 January 2004 and 16 November 2004, a total of nine hundred and forty one (941) Parking Infringement Notices were issued to illegally parked vehicles in Fairfield Street, representing a total revenue of \$73,095.00, of which 721 infringement notices, representing \$56,205 have already been paid. A total of 53 infringement notices have been withdrawn, which leaves 170 still outstanding. Of these 170 infringement notices, 38 have been lodged with the Fines Enforcement Register.

The 941 infringement notices were issued to 914 different vehicles, with 12 vehicles receiving 2 infringement notices and 1 vehicle receiving 3 infringement notices. Of the vehicles that received more than 1 infringement notice, 6 vehicles subsequently had their notices withdrawn, when they provided proof of visiting a resident. There were also 37 infringement notices that were modified, following correspondence with the Council.

There have also been 93 infringement notices issued to vehicles for illegally parking in the Taxi Zone in Scarborough Beach Road, to a total value of \$5,115. Of the 93 infringement notices issued, 62 have been paid, 5 have been lodged with Fines Enforcement Registry and 6 were withdrawn. The remaining 20 infringement notices remain outstanding and are progressing through the enforcement process.

Technical Services

As an outcome of various meetings and public forums held in 2003, Technical Services were directed to implement a range of engineering measures designed to improve the resident's amenity in those streets immediately adjacent the Paddington Alehouse. Amongst these measures were improved street lighting, enhanced parking restrictions, additional directional signage and relocation of the Fairfield Street Taxi Rank to Scarborough Beach Road.

At the Ordinary Meeting of Council held on 21 October 2003, the following table (Table 1) was submitted outlining the agreed measures and the progress to that point in time.

Table 1

	Proposal	Progress (to October 2003)
1	<i>Liaise with the Ale House to educate patrons by way of flyers and announcements as to the car parking available, noise and other behavioural matters.</i>	The Town's Health Officers have liaised with the Hotel management. Flyers and announcements have been actioned by the Hotel including appropriate security etc. in liaison with the Town's officers resulting in marked improvements
2	<i>Better, more prominent signage to the existing car parks, i.e. Flinders Street and Hobart Street parking areas.</i>	Completed - July 2003.
3	<i>Undertaking an audit of existing car parks with a view to improving (where warranted) the level of lighting, pavement surface and line marking.</i>	Funds allocated in 2003/2004 draft budget. Works to be scheduled.
4	<i>Technical Services to investigate upgrading the level of street lighting in Fairfield Street (Scarborough Beach Road to Anzac Road).</i>	Completed - August 2003.
5	<i>Taxi Control Board, the Town and Paddington Ale House to investigate relocating taxi rank to Scarborough Beach Road and for the Hotel to provide security staff to control the crowd during peak times.</i>	Taxi Control Board has agreed to relocation of the taxi rank and it will soon be implemented.
6	<i>Upon implementation, of part or all of the above, the Town, in consultation with Hotel management and local Police, to continue monitoring the situation.</i>	<i>On going</i>
7	<i>Improved No Standing demarcation lines adjacent to driveways.</i>	Completed - July/Aug 2003

Proposal		Progress (to October 2003)
8	<i>Parking restrictions in Fairfield Street to be extended to Anzac Road</i>	Completed - September 2003
10	<i>Future Engineering measures.</i>	<i>On hold.</i>
12	<i>Provision of a barrier fence Scarborough Rd frontage of Hotel to contain Hotel patrons.</i>	Completed - September 2003

The following table (Table 2) provides a further update, shown in italics, of the agreed measures and additional measures since undertaken.

Table 2

Proposal		Progress (to November 2004)
1	<i>Liaise with the Ale House to educate patrons by way of flyers and announcements as to the car parking available, noise and other behavioural matters.</i>	The Town's Health Officers have liaised with the Hotel management. Flyers and announcements have being actioned by the Hotel including appropriate security etc. in liaison with the Town's officers resulting in marked improvements <i>On Going</i>
2	<i>Better, more prominent signage to the existing car parks, i.e. Flinders Street and Hobart Street parking areas.</i>	Completed - July 2003.
3	<i>Undertaking an audit of existing car parks with a view to improving (where warranted) the level of lighting, pavement surface and line marking.</i>	<i>Flinders Street car park resurfaced and line-marked in March 2004. Parking directional signage relocated to a more prominent location and a new streetlight installed over car park access.</i>
4	<i>Technical Services to investigate upgrading the level of street lighting in Fairfield Street (Scarborough Beach Road to Anzac Road).</i>	<i>Completed - August 2003 and further enhanced in early 2004 with the streetlights at the northern or hotel end upgrade to 250watt High Pressure Sodium (the same standard installed on distributor roads) and a 80watt Mercury Vapour lights installed on every other pole in Fairfield Street to Anzac Road. Further an additional two (2) streetlights were installed in Flinders Street in the vicinity of the car park.</i>
5	<i>Taxi Control Board, the Town and Paddington Ale House to investigate relocating taxi rank to Scarborough Beach Road and for the Hotel to provide security staff to control the crowd during peak times.</i>	<i>Relocated in early 2004 and enhanced 'Taxi Zone' signage installed in Scarborough Beach Road with a further upgrade in mid 2004.</i>

Proposal		Progress (to November 2004)
6	<i>Upon implementation, of part or all of the above, the Town, in consultation with Hotel management and local Police, to continue monitoring the situation.</i>	<i>On going</i>
7	<i>Improved No Standing demarcation lines adjacent to driveways.</i>	<i>Completed - July/Aug 2003 and further enhanced in early 2004 with individual on-road parking bays marked.</i>
8	<i>Parking restrictions in Fairfield Street to be extended to Anzac Road</i>	<i>Completed - September 2003</i>
10	<i>Future Engineering measures.</i>	<i>On hold.</i>
12	<i>Provision of a barrier fence Scarborough Rd frontage of Hotel to contain Hotel patrons.</i>	<i>Completed - September 2003</i>

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 13 April 2004:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by N Randall on behalf of the owner A Swanson for proposed increase in accommodation / patronage numbers at existing hotel on No.141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, and as shown on the plans stamp dated 22 September 2003, subject to:

- (i) this approval for a period of 6 months only and should the applicant wish to continue the use (accommodation/patronage numbers) after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. Within this 6 month period, monthly working group meetings shall be held by the applicant with Officers of the Town and Local Police Services to address any concerns raised, and that the matter be reported to Council for further consideration thereafter;*
- (ii) ongoing compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Discussion ensued.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Farrell

That the Item be DEFERRED for more information.

CARRIED (8-0)

LANDOWNER: N Randall
APPLICANT: A Swanson
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - District Centre
EXISTING LAND USE: Hotel

COMPLIANCE:

Use Class	Hotel
Use Classification	"SA"
Lot Area	1264 square metres

SITE HISTORY:

The subject property is located on the south-western corner of Scarborough Beach Road and Fairfield Street and is occupied by the Paddington Alehouse. The original hotel was built circa 1920.

12 April 1999 The Council at its Ordinary Meeting deferred item 11.1.8 to meet with the applicant to further discuss the proposal. The proposal was related to alterations and additions to the existing hotel. The Officer Recommendation was for refusal.

27 April 1999 The Council at its Ordinary Meeting approved proposed alterations and additions to existing hotel, subject to several conditions, including the following:

"(ix) the current approved accommodation numbers in accordance with the Health (Public Building) Regulations 1992 and the Health Act 1911 (as amended) shall not be increased."

DETAILS:

The applicant seeks approval for an increase in the maximum accommodation numbers based on recent amendments to the Health (Public Buildings) Regulations 1992.

The applicant provided a letter stating the following in relation to the application.

"Currently the Paddington Ale House has a maximum accommodation capped at 400 persons. To fully comply with Health (Public Building) Regulations 1992 of The State of Western Australia. I formally request that the accommodation of the Paddington Ale House be recalculated based on the new regulations, providing for one person per 0.85 square metres. It is confirmed by Town of Vincent, Manager of Health Services, that the new maximum accommodation would increase from 400 persons to 600 persons based on these new calculations.

The Paddington Ale House continues to maintain its status as one of the best hotels in Australia having won the National Awards for Best Bar Presentation and Services 2003.

We have very few problems and very few complaints and this is because of our security system, and very professional crowd controllers, who are encouraged to have a chat rather than a fight. The name of the company is Security and Allied Service.

A new surveillance system with 18 cameras strategically placed inside and outside the hotel makes it very safe for our patrons.

We have a very good liaison and relationship with Town of Vincent, and I hereby enclose Harm Minimisation and Management Plan to support our application."

CONSULTATION/ADVERTISING:

The proposal was formally advertised in accordance with the Community Consultation Policy for a two week period. No written submissions were received in that time.

In light of the interest within the wider community in relation to the application, the proposal was presented to the residents of Mount Hawthorn via a public meeting organised by the applicant and held at the Paddington Ale House on 20 December 2003. The minutes of this meeting are attached.

The public meeting was well attended, with the following representatives invited to address the residents, advising of the proposal, the current situation and answering any questions.

- *Manager, Engineering Design Services – Town of Vincent*
- *Senior Ranger – Town of Vincent*
- *Senior Environmental Health Officer – Town of Vincent*
- *Officer in Charge - Leederville Police Station*
- *Head of Security and Allied Services*
- *WA Taxi Council/Swan Taxi Management representative*
- *President of the Australian Hoteliers Association (WA Branch)*

The residents raised a number of concerns aside from the increase in patron numbers from 400 to 600 patrons, and these related to antisocial behaviour, noise from patrons and various other police matters, rubbish from patrons, parking, and security.

Residents were provided with the after hours contact numbers for both the Police Services and Town's Emergency Service, and the Licensee Neil Randall, and Head of Security and Allied Services Stephen Gardiner both offered their mobile telephone numbers encouraging residents to contact them at any time should they experience problems with antisocial behaviour, or loitering patrons so that a security team could be sent to the area immediately (as Police Services may have other job priorities at that time). The Senior Environmental Health Officer also offered her contact details to all residents, and encouraged that they contact her directly should they have problems with noise created by amplified music or wish to discuss other public health matters.

In the three months since the public meeting, no justified complaints have been received by the Town, other than a handful of complaints regarding parking. Furthermore, prior to the proposed increase in numbers, it is advised that very few complaints had been received by Health Services, and none were relating to amplified music from the hotel.

The Licensee and Head of Security at the Paddington Alehouse have received one or two calls requesting they move patrons from their verge area around closing time, and were able to respond rapidly by sending a security team to move patrons on and request them to conduct themselves in an orderly manner.

The Officer in Charge, Leederville Police Station Sergeant Kevin Dale reports that monthly meetings are now held with the key staff at the Paddington Alehouse (the Town's Health Services will attend these meetings when appropriate, or should further complaints be received). When consulted in relation to the proposed increase in numbers Sgt Dale advised the following:

"There have been no incidents of significance involving the Paddington Alehouse since the public meeting. We still have an open and honest relationship with the management and the security people at the hotel."

The Perth Drug and Alcohol Office were also consulted in relation to the increase in numbers, and Senior Constable Darren Waddell advised:

"In relation to the Paddington Alehouse, we have had no liquor complaints from residents, or on general attendance there. Once numbers have increased we can look at it from an antisocial point of view, with combined operations from traffic and uniformed Police on the Paddington Alehouse, should it be seen to get out of hand, then we can act on it."

Increased patrols of surrounding streets by security staff, and hotel staff collecting litter, have been implemented and are proving very successful. The security systems installed by the licensee has 18 cameras strategically placed inside and outside the hotel, and is by far the most up to date system installed by a hotel within the Town.

The new taxi rank on Scarborough Beach Road has diverted much of the through traffic from Fairfield Street, and this appears to be operating extremely well. Security staff from the Paddington Alehouse maintains a surveillance on the taxi rank to ensure that anti-social behaviour is kept to a minimum and they ensure that patrons remain orderly until a taxi collects them.

In accordance with the Council Resolution of 16 December 2003, a Residential Parking Zone, operating from 5.00pm to 5.00am, has been introduced on the west side of Fairfield Street, between Anzac Road and Scarborough Beach Road, Mount Hawthorn. This street can accommodate approximately fifty vehicles, parking on both sides of the road.

At its Ordinary Meeting held on 16 December 2003 the following resolution was adopted:

"That the Council;

- (i) receives the report on various issues regarding lower Fairfield Street, between Scarborough Beach Road and Anzac Road, Mt Hawthorn;*
- (ii) APPROVES the introduction of a trial residential Parking Zone on the western side of Fairfield Street, between Scarborough Beach Road and Anzac Road, between the hours of 5.00pm and 5.00am for the reasons outlined in the report and the apparent lack of ratepayer support for the proposal;*
- (iii) notes that the Town's Law and Order Services is preparing a strategy for effective enforcement of the existing restrictions;*
- (iv) a further report will be presented to Council outlining the proposed strategy in February 2004;*
- (v) requests officers to prepare Key Performance Indicator criteria for determination at the Ordinary Meeting of Council to be held on 10 February 2004 to enable an accurate assessment of the trial to be carried out, the determination of the criteria should not defer the introduction of the trial; and*

- (vi) *requests the re-issue of the Town's flyer that provides information and contact details of the appropriate agencies to report any matters relating to anti-social behaviour or parking issues to an appropriate surrounding area."*

A number of residents have applied for Residential Parking Permits, but most are not eligible, because their properties have available off-street parking facilities. A total of 6 Residential Parking Permits and 42 Visitors Parking Permits have been issued to residents, to ensure that residents with no off-street parking facilities and occasional visitors are exempt from the time restrictions. Four (4) of the residents permits issued were for residents from the west side of Fairfield Street, with the remaining two (2) being for resident on the east side. . However, it has been noted that a number of the Visitors Parking Permits are being used as defacto Residential Permits by residents who were not assessed as eligible, and while Rangers are not yet taking action in these cases, this is a clear contravention of the conditions governing the issue of permits.

To prevent a recurrence of the problems that were initially experienced in the Anzac Road area, a letter was delivered to residents of Fairfield Street, making them aware that their Residential and Visitors Parking Permits should only be used on the west side of the street. If residents and their visitors are permitted to use their permits on either side of Fairfield Street, the time restricted area on the east side of the road is likely to be filled up with permit-holders, while the residential side of the street will not be available to casual parkers. Following delivery of the letter, the Town received two telephone calls from residents, complaining about the need to only use the west side of the street. When this was explained to both residents, one acknowledged that the requirement was valid, while the other was totally opposed to the requirement, indicating that it was "a personal attack on residents".

After a two-week period where Rangers issued Cautions to offending vehicles, infringement notices have been issued to vehicles that do not comply with the restrictions. Since 9 January 2004, there have been 319 infringement notices issued to offending vehicles in Fairfield Street. Of these 229 infringement notices were issued for contravention of the Residential Parking Restrictions and 90 for other parking offences. Of the 319 notices, only two (2) vehicles contravened on more than one occasion, one (1) of which was someone visiting a resident who failed to display a permit. The two (2) infringement notices that were issued to the visitor were withdrawn, leaving only one (1) vehicle that was issued with two (2) infringement notices, both of which were paid.

Rangers visit Fairfield Street an average of twice each evening and have done so since 9 January 2004. The Rangers have maintained an "attendance log", containing details about the number of vehicles on each side of the street, number and type of permits displayed, number of infringement notices issued and for what offence, length of stay by offenders, etc. This information will be used to evaluate the restrictions, when a report is submitted to the Council at the conclusion of the trial period. It is considered inappropriate to make any decision about the effectiveness of the restrictions, until it has been in operation for six (6) months, so this report will be submitted to the Council in July or August 2004.

The Town has received a claim from one resident that problems persist outside of the peak times of hotel patronage as the street is used as a "rat-run", however data collected by the Town's Technical Services section indicate that this is not the case.

A further letter drop has been conducted by the licensee advising those patrons who may not have been able to attend the public meeting of the after hours contact numbers for both the licensee Neil Randall, and the head of security. Residents are encouraged to contact them directly to request patrons to "move on" from the streets, rather than contacting the Police Services who may be unable to attend for some time depending on the other job priorities.

An A-frame sign has been placed on the median strip at the Fairfield Street, Scarborough Beach Road intersection, which requests patrons to respect the surrounding residents, and observe the parking restrictions in the area.

Prior to the public meeting, a nearby resident provided the following comments in relation to the proposal.

"As you are aware there have been ongoing issues with nearby residents and the hotel relating to a number of areas such as parking, noise, litter and vandalism, to name a few. This history is demonstrated by looking over the minutes of council meetings for the past twelve months.

PARKING

Residents are acutely aware of the problem with parking that currently exists with a limit of only 400 persons. The only public car park, other than the small parking facility behind the establishment, which can be utilised is the equally small car park at the end of Hobart Street. Although most residents of Fairfield Street north have their parking off Axford Lane, it is not possible to entertain on a Friday or Saturday night for many of us, without expecting our guests to park up to 350 metres from our homes. We can only but assume that if the hotel was granted an increase in numbers of the order of 50% as proposed that our guests would then be parking over half a kilometre away.

NOISE

The issue of noise is another problem that has not abated at all. Most residents will accept that living near a hotel means that some noise in the form of live, or piped, music will reach their homes, and can live with this. Unfortunately, the noise caused by patrons leaving the premises at approximately 1 am in the morning (due to the hotels permit for extended trading hours) is the key problem. Many residents are woken in the early hours of Saturday or Sunday to yelling, often a string of obscenities, that lasts at least 30 minutes. What is doubly unfortunate is that through a 50% increase in the number of patrons, the noise of the music will remain the same, but the noise of the patrons departing the premises in the middle of the night can only increase.

VANDALISM

A couple of months ago I had cause to report to the XO Technical Services that the street sign for Axford Lane had been pulled down on a Saturday night. The Town was very prompt in having someone come out and fix it, but really needn't have bothered, as last weekend the exact same act of vandalism took place. This is coupled with reports from residents of fences being broken and letter boxes being kicked over, as well as the more serious reports of vehicles being damaged.

ANTI-SOCIAL BEHAVIOUR

What a surprise two Saturday nights ago when my wife woke me just after midnight to say I should take her to the hospital as she was going into labour. What a double surprise when I raised the garage door to Axford Lane and saw three men who must have had far too much to drink, as they obviously thought they were still in the urinal at the Ale House instead of humble Axford Lane. This is not an uncommon occurrence.

LITTER

Detail from the minutes of the LATM meeting state that the publican has implemented a scheme of collecting litter from the surrounding streets each morning. Although I have not seen this in action I commend this initiative. Unfortunately though, it doesn't seem to make a difference to my Saturday/Sunday morning ritual of walking up the driveway and collecting the empty beer stubbies that have been either tossed into the garden or simply left sitting on the letterbox..."

On the other hand, both the Licensee and the Town have received a number of letters from residents in the area supporting the Paddington Alehouse. The following comments have been made by residents in favour of the proposal.

Letter 1

"As both a regular patron of the Paddington Ale House and a local resident, I attended to gain an awareness of issues or concerns that other local residents may have with your establishment. Personally, I have lived in Flinders Street for the past two years and have no issues or concerns in relation to the Paddington Ale House.

With respect to a number of specific issues that were discussed at the meeting, I would make the following comments/observations:

- 1. Increase in maximum number of patrons- Given that the Town of Vincent has indicated that all planning and health criteria have been met to accommodate 600 patrons, there do not appear to be grounds on which to oppose such an increase. In any event, it would appear that there are likely to be few occasions on which the Paddington Ale house could currently expect to attract significantly more than 400 patrons.*
- 2. Trial of resident parking on west side of Fairfield Street - I believe the current 1 hour parking restriction in Fairfield Street, which appears to apply 24 hours a day, is both confusing and unreasonable. I have no difficulty in supporting a trial of 'residents only' parking between 5pm and 5am, although I would suggest that a more reasonable period would have been from 9pm to 5am.*
- 3. Location of taxi rank - the current location on Scarborough Beach Road appears preferable, for both residents and patrons, and perhaps consideration could be given to making these taxi bays a tow away zone.*

Generally, I was encouraged by the measures that you indicated you were willing to implement to address residents concerns, particularly the collection of glass in surrounding streets. I also concur with the observation of one of the other local residents that the source of this glassware is likely to predominantly be patrons on their way to the Paddington Ale House, rather than patrons leaving your establishment with drinks. While annoying, this situation is no different to that which I have seen occur within close proximity of many other licensed venues.

I am not aware of what arrangements you may currently have in place for continued liaison with local residents on these sorts of issues, but I would attend any future public meetings that may be organised with interest."

Letter 2

"I'm a local resident writing on behalf of my family to congratulate and thank you for hosting, what I believe has been your most successful year.

We live in Fairfield Street, one block from you, and I understand that managing patrons and locals needs must be a difficult task. We have had the occasional bottle left on our verge, and heard the ruckus of more than one disappointed rugby fan, but the disturbance has still been insignificant compared to the roar of trucks supplying Woolworth's. Congratulations on the safe and effective management of your patrons.

You help create a great sense of community in a city that seems to be demolishing its local public houses in favour of retirement villages and high rise apartments...thank you."

Letter 3

"...as far as we are concerned at our address, we have never had any significant concerns or issues. The rear of our property does have a line of sight to the rear of your premises and we can certainly on occasions clearly hear noise from bands, but it is infrequent and limited to what appears to be certain conditions such as wind direction. Patrons who appear to be exiting the venue, can sometimes be heard in the street however, again this is limited. Parking has never affected us to date.

Based on the above as it affects us, the fact that we moved to the area in full knowledge of the local licensed premises and my support for a mixed use in the area, I certainly support the current activities of your business.

Letter 4

"...we would like to express that we frequent our local pub, the Paddington Ale House and have never faced problems, excessive noise, or unruly behaviour, either at the Pub or in our street. We see the Paddington Ale House as an asset to our community."

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Parking

The car parking requirements for the subject site is based on total gross public assembly area and number of beds/bedrooms. There is no parking implications involved in this instance as the proposal does not involve an increase in the existing public assembly area or number of beds/bedrooms. Following are comments relating to car parking from the report relating to proposed alterations and additions to the existing hotel, which was referred to the Ordinary Meeting of Council held on 12 April 1999.

"The car parking requirement is as follows:

<i>Use</i>	<i>Method of calculation</i>	<i>No. car bays required</i>
<i>Tavern / dining area / alfresco area</i>	<i>1 space for every 4.5 square metres of gross public assembly area</i>	<i>128 car bays</i>
<i>Beer garden / deck area</i>	<i>1 space for every 4.5 square metres of gross public assembly area</i>	<i>21.7 car bays</i>
<i>Hotel</i>	<i>1 space per bedroom</i>	<i>24 car bays</i>
NO. CAR BAYS REQUIRED		<i>173.7 car bays</i>
NO. CAR BAYS PROVIDED		<i>13 car bays</i>
LESS EXISTING SHORTFALL		<i>120 car bays</i>
TOTAL INCREASED SHORTFALL		<i>40.7 car bays</i>

The increase in the car parking requirement can mainly be attributed to the additional use of the deck area and the garden to the western side of the hotel for drinking area. The car parking shortfall is significant and the proposed alterations and additions are likely to create an increase in patronage. It is considered unlikely, however that all the patrons to the hotel will be using motor vehicular transport, particularly as parking in the area is minimal and the nature of the use is such that driving is not the preferred mode of transport.

Should the Council approve this application, it is recommended that prior to completion of the additions, three (3) bicycle parking rail(s) be provided at a location convenient to the entrance of the hotel within the setback area adjacent to the Fairfield Street frontage."

A further report was prepared for the Ordinary Meeting of Council held on 27 April 1999. The car parking comments are as follows.

"NON-COMPLIANCE WITH CARPARKING REQUIREMENTS

In addition to what the Council Planning Officers report outlines we advise that:-

- (i) The first floor level bedrooms (24 off) currently operate at no more than a 50% maximum occupancy rate. 2-3 guests/residents at most have a car, the rest of the guest/residents utilise public transport which is available at door step. Therefore a 21-22 car bay reciprocal is apparent.*
- (ii) The increased shortfall in carparking is mainly due to the concrete deck area (Fairfield Street-frontage) and garden courtyard (western side of hotel). As a result our client is prepared to forego the Fairfield Street deck area at this stage, which will not only improve the carparking shortfall but also alleviate any noise concerns residents of Fairfield Street may have had (no amplified music was intended to service the deck area in any event).*
- (iii) Our client under the Health Act-Public Buildings Regulations currently has approval to accommodate 400 persons on the premises. This is policed by both your Council Health Department and the Liquor Licensing Division.*

The proposed alterations were aimed at improving and attracting a better standard of clientele by providing a better "quality" establishment.

On this issue our client wished to advise that he will not be seeking to increase his patron accommodation numbers (which are determined on a 1 square metre per person floor area basis) and remain at the current/approved 400 persons figure.

Councils, we understand have the authority to do this and can condition Development Approvals accordingly. Restaurants for example have been restricted in the past as to how many seats/tables they can provide etc.

CONSIDERATION OF OBJECTIONS RECEIVED

Our client is pro-active and most certainly does not want to cause any more undue strain or stress on the neighbouring community.

Parking in Fairfield Street is currently restricted to 1 hour maximum at any time, seven days a week. This can still remain and continue to be policed. "Residents Parking" stickers could be utilised to allow residents to park in their own street without being ticketed.

Noise issues are controllable. The proposed new structure is acoustically treated, unlike the current lean-to structure.

Patrol of the area by Hotel security can alleviate patron noise and disturbance.

Litter is not an issue and again can be overcome by hotel staff. The hotel is not a nightclub, has no take-away "bottle shop" style facilities and cannot/will not allow patrons to leave the premises with alcohol (cans, glassware etc) in hand. The standard of clientele is to be improved as mentioned earlier.

Privacy has been addressed in the Council Planning Officers report and is now further improved by the withdrawal of the deck area extension along Fairfield Street.

With respect to the right of way, this has been addressed in the Council Planning Officer's report.

It is obvious that the Mount Hawthorn Centre Precinct (along Scarborough Beach Road) is deteriorating rapidly. There are approx. 6-8 vacant shops. Businesses have come and gone. This application should be seen to be a catalyst in its rebirth, a stimulus for others and the Mount Hawthorn community to follow and produce its own café/retail strip as has Leederville – Oxford Street, Mount Lawley – Beaufort Street, Fremantle – South Terrace, Victoria Park – Albany Highway, Claremont, etc.

There is very strong support from the existing business community as outlined in the attached submissions received by our client."

The shortfall in car parking was granted conditional Planning Approval. Condition (ix) of the conditional approval states as follows;

" the current approved accommodation numbers in accordance with the Health (Public Building) Regulations 1992 and the Health Act 1911 (as amended) shall not be increased;"

The applicants wish to modify the maximum accommodation numbers to be in accordance with the current standards as per Health (Public Buildings) Regulations 1992 (as amended).

Health Regulations

The subject application does not involve any structural changes, additions or modifications to the existing hotel. The application pertains to increasing the maximum accommodation numbers of the hotel so that it is in accordance with the recent amendments to the Health (Public Buildings) Regulations 1992 (as amended), which allows local governments to review licensed premises, and alter the accommodation ratio from 1 person per 1 square metre to 1 person per 0.85 square metre.

In relation to Licensed Premises Transition to 0.85 square metres per person, the guidelines produced by the Department of Health (WA) state that:

"This is an administrative change that should be initiated by local government without cost or a Form 2 request by the operator. In most cases this should only be a relatively simple calculation and should not require a re-measure of the entire premises."

Previously the hotel could support only 400 persons based on the planning condition restricting numbers to their previous accommodation of 400 persons, which would have originally been calculated at a ratio of 1 person per 1 square metre.

Recent re-measurement undertaken by the Town's Health Services result in an increase in numbers to 600 persons, as the building was deemed to meet all other health requirements for increasing the patron number. There are adequate toilets (in accordance with Table F3.2 of the Building Code of Australia), and exit widths were adequate to increase to 600 patrons. The Licensee has demonstrated a positive and community oriented approach, liaises frequently with the Town, the local Police Services, and has indicated full intention to continue to do so. The Town's Health Services, local Police Services and the Perth Alcohol

and Drug Office supports this application, however due to concerns raised by some residents, a six month trial may be considered prudent. During this six month period, the Licensee will be requested to continue conducting monthly meetings (or more frequently as required), with the local Police Services and representative(s) from the Town. Following this trial, the matter will be reported to Council with further findings.

As a result of resident petitions and in accordance with a recent decision by the Director Liquor Licensing in relation to community concerns expressed regarding another licensed establishment, it is further recommended that:

- *The Licensee is to continue to provide a hot-line telephone service for residents and regularly re-distribute this number to all residences within a 200 metre radius;*
- *Crowd controllers are to remain being employed at a ratio of two (2) crowd controllers for the first 100 patrons, and one for each additional 100 patrons at least from 9 pm until closure - unless the Director of Liquor Licensing requires a more stringent measure;*
- *Two (2) security personnel are to remain being employed to monitor the behaviour of patrons arriving and departing the premises from one (1) hour prior to closure until one (1) hour after trading ceases. They have the responsibility to regularly patrol the vicinity of the premises (i.e.: a 200 metre radius), including Fairfield Street, Scarborough Beach Road and laneways within the radius, in order to ensure patrons depart the hotel in an orderly manner with as little disturbance to local residents as possible;*
- *The Licensee is to arrange regular meetings with nearby residents (i.e.: every three months) to consider any issue of concern and thereafter submit an abridged Minutes to the Town's Chief Executive Officer during the trial period of six months. and*
- *The Management Policy and the Code of Conduct must be displayed in a prominent position on the licensed premises.*

Following this trial, the matter will be reported to Council with further findings.

The application is considered acceptable, subject to standard and appropriate conditions to address the above matters."

10.1.9 No(s). 39 (Lot(s) 31) Angove Street (Corner Woodville Street), North Perth - Proposed Signage Additions to Existing Consulting Rooms (Physiotherapy Practice)

Ward:	North	Date:	15 November 2004
Precinct:	North Perth Centre; P9	File Ref:	PRO0479; 00/33/2530
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Kounis on behalf of the owner Casson Homes Inc. for proposed Signage Additions to Existing Consulting Rooms (Physiotherapy Practice), at No(s). 39 (Lot(s) 31) Angove Street (corner Woodville Street), North Perth, and as shown on plans stamp-dated 18 October 2004, subject to:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian Standards and Noise Regulations;*
- (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) prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the signage area of ' Sign A ' not exceeding 2.9 square metres. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Franchina

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

- "(vi) prior to the erection of the approved proposed signage, a plaque shall be erected on the building to acknowledge that the building was the original North Perth Post Office. Details of the plaque shall be submitted to and approved by the Town prior to the issue of a Sign Licence for the approved proposed signage;"*

Debate ensued.

Moved Cr Ker, Seconded Cr Torre

That clause (vi) be deleted.

Debate ensued.

AMENDMENT CARRIED (7-1)

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

(Cr Farrell was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.9

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Kounis on behalf of the owner Casson Homes Inc. for proposed Signage Additions to Existing Consulting Rooms (Physiotherapy Practice), at No(s). 39 (Lot(s) 31) Angove Street (corner Woodville Street), North Perth, and as shown on plans stamp-dated 18 October 2004, subject to:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian Standards and Noise Regulations;*
- (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) prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the signage area of ' Sign A ' not exceeding 2.9 square metres. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

Landowner:	Casson Homes Inc.
Applicant:	D Kounis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Consulting Rooms
Use Class:	Consulting Rooms
Use Classification:	"AA"
Lot Area:	440 square metres
Access to Right of Way	No direct impact on proposal

BACKGROUND:

On 7 October 2004, the Town under delegated authority from the Council, conditionally approved a development application for a change of use from shop to consulting rooms (Physiotherapy Practice) at the subject site.

DETAILS:

The proposal involves 2 wall sign additions to existing consulting rooms. 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 Area	Not to exceed 10 per cent of building wall.	Sign A - 20 percent	Not Supported- excessive in the context of the scale of the front facade.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal is considered acceptable, except for the area of Sign A. The proposal is recommended for approval subject to standard and appropriate conditions to address this matter.

10.1.5 No(s). 497-499 (Lot(s) 37) Beaufort Street (Corner Mary Street), Highgate - Proposed Alterations and Additions and Change of Use from Furniture and Hardware Showroom to Office, Shop, Eating House and Warehouse

Ward:	South	Date:	17 November 2004
Precinct:	Mt Lawley Centre; P11	File Ref:	PRO2340; 00/33/2433
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K Archer, C Boyer & B Currell on behalf of the owner PD & AD Robinson for proposed Alterations and Additions to Existing Shop and Change of Use from Furniture and Hardware Showroom to Office, Shop, Eating House and Warehouse at No(s). 497-499 (Lot(s) 37) Beaufort Street (Corner Mary Street), Highgate, and as shown on plans stamped 30 August 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements;*
- (ii) the applicant/owner shall pay a cash-in-lieu contribution of \$7725 for the equivalent value of 2.89 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (iv) the maximum floor area of the uses shall be limited as follows: 17 square metres of public area for the eating house, 14 square metres of gross floor area for the office, 284 square metres of gross floor area for the warehouse and 29 square metres of gross floor area for the shop/retail floor space;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr

That the existing clause (ii) be deleted and a new clause (ii) added as follows:

"(ii) the hours of operation of the proposed eating house/tea and coffee lounge being limited to 8.30am – 5.30pm Monday to Saturday inclusive;

AMENDMENT LAPSED FOR WANT OF A SECONDER

Cr Torre departed the Chamber at 8.55pm.

Debate ensued.

Cr Torre returned to the Chamber at 8.57pm.)

MOTION CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	PD & AD Robinson
Applicant:	K Archer, C Boyer & B Currell
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
Existing Land Use:	Showroom
Use Class:	Eating House, Warehouse, Office Building and Shop
Use Classification:	"P", "P", "P" and "P"
Lot Area:	448 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Car parking *	10 bays	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.

* Refer to "Comments - Car Parking"

SITE HISTORY:

The Council at its Ordinary Meeting of Council held on 13 April 2004 resolved to refuse an application for proposed alterations and additions to approved eating house.

The Council at its Ordinary Meeting of Council held on 24 June 2003 resolved to conditionally approve an application for proposed change of use to eating house and associated alterations and additions on the subject property.

The Council at its Ordinary Meeting of Council held on 24 June 2003 resolved to conditionally approve an application for proposed demolition of the existing vehicle sales premises building and construction of a car park at No. 462 Beaufort Street (corner Broome Street). This car park was proposed to be used in conjunction with the approved eating house at No. 497 Beaufort Street.

The following condition was applied to the previous Planning Approval:

"(i) prior to the issue of a Building Licence OR first occupation of the development, whichever occurs first, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee, with or a grant of easement on the subject land in favour of the Town and to its satisfaction, to provide rights of access to/from and use of a minimum of 25 car parking bays on No. 462 Beaufort Street, Highgate. The subject 25 car parking bays are to be provided at no costs for use by the employees, customers and visitors of the eating house at No. 497 (Lot 37) Beaufort Street. The legal agreement shall be secured by a caveat while the grant of easement shall be registered on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition being borne by the applicant/owner(s);"

DETAILS:

The applicant is seeking to change the use from furniture and hardware showroom to office, shop, eating house and warehouse. The use is proposed to take place in an existing building that occupies the entire lot. The subject lot is at the corner of Beaufort Street and Mary Street. Attached is a letter explaining the nature of the business and a written submission justifying the proposal.

CONSULTATION/ADVERTISING:

The proposal has been advertised and no written submissions have been received by the Town.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Car Parking

Car parking requirement (nearest whole number) -Office - 14 square metres require 0.28 bay -Eating House - 17 square metres require 3.77 bays -Warehouse - 283 square metres require 3 bays for the first 200 square metres and 1 bay per 100 square metres. Total: 3.83 bays -Shop - 29 square metres require 1.93 bays	10 car bays
Apply the adjustment factors: • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 of one or more public car parks in excess of 25 spaces -corner Barlee and Beaufort Streets and Chelmsford Road)	(0.7225) 7.225 car bays
Minus the car parking provided on site	0 car bay
Minus the existing shortfall on-site: (6 bays multiplied by current adjustment factor i.e. 6 bays x 0.7225 = 4.335 bays) *	2.89 car bays
Resultant shortfall	2.89 car bays

The car parking shortfall as represented in the above table is 2.89 car bays when applying the adjustment factors and accounting for the previously approved car parking shortfall. Car parking bays are difficult and near impossible to accommodate on-site as it is an established development that occupies the entire area of the lot. The Town's Policy relating to Parking and Access, suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. This would equate to a payment of \$7725. Given the scale, nature and mix of the proposed uses, the parking shortfall is not considered excessive and is therefore supported with the cash-in-lieu payment.

On the above basis, the proposal is considered acceptable, subject to standard and appropriate conditions to address the above matters.

10.1.13 No(s). 76-76A (Lot(s) 10 & 2) East Street (corner Berryman Street,) Mount Hawthorn - Proposed Demolition of Existing Club Building (Scout Hall)

Ward:	North	Date:	15 November 2004
Precinct:	Mt Hawthorn; P1	File Ref:	PRO2518; 00/33/2444
Attachments:	001		
Reporting Officer(s):	H Wyatt		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Scout Association of Australia (WA Branch) on behalf of the owner the Scout Association of Aust (WA Branch) for proposed Demolition of Existing Club Building (Scout Hall), at No(s). 76-76A (Lot(s) 10 & 2) East Street (corner Berryman Street,) Mount Hawthorn, and as shown on plans stamp-dated 6 September, 2004, for the following reasons:

- (i) 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;*
- (ii) the existing place has cultural heritage significance in terms of its historic, social and rarity value; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.13

Cr Franchina departed the Chamber at 9.00pm.

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

That the existing recommendation be renumbered to clauses (i)(a) to (c) and a new clause (ii) be added as follows:

- "(ii) the Council ADVISES the applicant that the Town encourages the adaptive re-use and redevelopment of existing buildings, especially those included on the Town's Municipal Heritage Inventory."*

Cr Franchina returned to the Chamber at 9.08pm.

Debate ensued.

AMENDMENT CARRIED (5-3)

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

(Cr Farrell was an apology for the meeting.)

MOTION AS AMENDED LOST (3-5)

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

(Cr Farrell was an apology for the meeting.)

Reasons:

1. The heritage significance is not in terms of the physical fabric of the building.
2. The physical fabric of the building itself is deteriorating and contains asbestos.
3. Adaptive re-use is not feasible.

ALTERNATIVE RECOMMENDATION

Moved Cr Ker, Seconded Cr Torre

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 Scout Association of Australia (WA Branch) on behalf of the owner the Scout Association of Australia (WA Branch) for proposed Demolition of Existing Club Building (Scout Hall), at No(s). 76-76A (Lot(s) 10 & 2) East Street (corner Berryman Street,) Mount Hawthorn, and as shown on plans stamp-dated 6 September, 2004, subject to the following:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on-site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*

- (v) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing buildings 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;*
- (vii) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (viii) *any future redevelopment of the subject site shall incorporate explicit recognition of the social and historic values of the Scout Association building, and details to be submitted to and approved by the Town at the development approval stage;*
- to the satisfaction of the Chief Executive Officer."*

CARRIED (6-2)

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

(Cr Farrell was an apology for the meeting.)

Landowner:	Scout Association of Aust (WA Branch)
Applicant:	Scout Association of Aust (WA Branch)
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Club Building
Use Class:	Club
Use Classification:	"SA"
Lot Area:	877 square metres

BACKGROUND:

- The site has been used by the Scouting Association and community from 1952 up to the present day.
- The cultural heritage significance of the building was recognised in 1995 when it was entered onto the Town's Municipal Heritage Inventory.

SITE HISTORY:

- The Scout Hall is a brick and asbestos building erected in 1958 with an extension added approximately 7 years later.

DETAILS:

- The subject proposal involves the demolition of the existing Scout Hall and ancillary buildings.
- At this stage there is no re-development application for the site.

CONSULTATION/ADVERTISING:

Applications for the proposed demolition of places included on the Town's Municipal Heritage Inventory are required to be advertised, in accordance with the Town's Community Consultation Policy. Two written objections were received stating that:

- Insufficient information given about the redevelopment of the site;
- The Scout Hall is symbolic of the suburb's origins and has iconic value in terms of maintaining the overall character of Mount Hawthorn; and
- The site and the existing building could be redeveloped into a usable residential property.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

The place has been assessed in accordance with the Town's Policy relating to Heritage Management – Municipal Heritage Inventory, and found to still retain its cultural heritage significance. It has been listed on the Town's Municipal Heritage Inventory since 1995.

The place has been found to have local cultural significance for the following reasons:

Mount Hawthorn Scout Hall is a representative example of Post-War Functionalist style within a local suburban situation. Its construction coincided with growth and establishment of the suburb. The place is of historic and social significance with more than four decades of association with the scouting movement, associated activities and the local community.

The place has some rarity value.

The applicant has been advised in early November 2004 and again on 17 November 2004 that the matter is being recommended by the officer's to Council for refusal.

10.1.3 No(s). 83 (Lot(s) 1) Anzac Road, Mount Hawthorn - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	15 November 2004
Precinct:	Mt Hawthorn; P1	File Ref:	PRO2926; 00/33/2432
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners D & K Cole for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No(s). 83 (Lot(s) 1) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 30 August 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the north side of the balcony on the upper floor shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iii) subject to first obtaining the consent of the owners of No.85b Anzac Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 85b Anzac Road in a good and clean condition;*
- (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 Anzac Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) a detailed landscaping plan, including a list of plant species and the landscaping and reticulation of the Anzac Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) prior to the first occupation of the development, the full length and width of the 0.5 metre widening of the right of way from the western most boundary to the eastern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*

- (vii) *the pergola shall remain as an unroofed open-framed structure, and be one hundred (100) per cent open on all sides and at all times except where it abuts the north and east elevations of the main structure; and*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to bedroom 1 on the eastern elevation not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Lake, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 9.13pm.
Cr Doran-Wu returned to the Chamber at 9.17pm.

Moved Cr Lake, Seconded Cr Cohen

That clause (ii) be amended as follows:

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

Debate ensued.

Cr Lake withdrew her amendment.

Cr Torre departed the Chamber at 9.19pm.

Moved Cr Cohen, Seconded Cr Lake

That clause (ii) be deleted.

AMENDMENT LOST (2-5)

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

(Cr Farrell was an apology for the meeting. Cr Torre was absent from the Chamber and did not vote.)

MOTION CARRIED (7-0)

(Cr Farrell was an apology for the meeting. Cr Torre was absent from the Chamber and did not vote.)

AMENDED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings	2 dwellings	Supported - no variation
Plot Ratio	N/A	N/A	N/A
Setbacks: Ground floor - West	1.5 metres	0-1.8 metres (compliant with Cl.3.3.2- Buildings on Boundary)	Supported
- South	2.5 metres	2.45-3.2 metres	Supported
1st Floor - South	2.5 metres	2.0-4.6 metres	Supported
- West	1.5 metres	1.3-1.8 metres	Supported - minor variations and staggering of setbacks.
Privacy	Balconies setback 7.5 metres from boundary or suitably screened. Bedrooms setback 4.5 metres from boundary or suitably screened.	Northern side 2.6 metres from east boundary and not screened. Bedroom 2 3.0 metres and Bedroom 4 2.5 metres from west boundary and not screened.	Not Supported - excessive and undue impact on neighbour. Supported - Bedroom 2 overlooks driveway and bedroom 4 overlooks building roofs.
Consultation Submissions			
Support	N/A		N/A
Objection (1)	<ul style="list-style-type: none"> • Privacy (front neighbour not affected) • Western setback 		Not Supported - no undue impact Not Supported - no undue impact
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.

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

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a proposed additional two-storey grouped dwelling to existing single house. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: Ground floor - West	1.5 metres	0-1.8 metres (compliant with Cl.3.3.2- Buildings on Boundary)	Supported
- South	2.5 metres	2.45-3.2 metres	Supported
1st Floor - South	2.5 metres	2.0-4.6 metres	Supported
- West	1.5 metres	1.3-1.8 metres	Supported - minor variations and staggering of setbacks.
Privacy	Balconies setback 7.5 metres from boundary or suitably screened. Bedrooms setback 4.5 metres from boundary or suitably screened.	Northern side 2.6 metres from east boundary and not screened. Bedroom 2 3.0 metres and Bedroom 4 2.5 metres from west boundary and not screened.	Not Supported - excessive and undue impact on neighbour. Supported - Bedroom 2 overlooks driveway and bedroom 4 overlooks building roofs.
Consultation Submissions			
Support	N/A		N/A
Objection (1)	<ul style="list-style-type: none"> Privacy (front neighbour not affected) 		Not Supported - no undue impact Not Supported - no undue

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
	<ul style="list-style-type: none"> Western setback 		impact
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

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

COMMENTS:

The concerns raised in objection will not unduly affect the amenity of the front neighbour. The variations are considered minor and supportable, subject to appropriate conditions being recommended in terms of privacy of bedroom 1 window.

The proposal is supported subject to standard and appropriate conditions.

10.1.7 No. 222 (Lot 233) East Parade, Corner of Pakenham Street and Ebsworth Street, Mount Lawley – Proposed Demolition of Existing Outbuildings and Partial Demolition of and Additional Two (2) Two-Storey Single Bedroom Single Houses to Existing Single House

Ward:	South	Date:	15 November 2004
Precinct:	Banks; P15	File Ref:	PRO0985; 00/33/2393
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Classical Realty on behalf of the owners Chelmsford House Pty Ltd, Jaimi Pty Ltd and Volga Ltd Pty for proposed demolition of existing outbuildings and partial demolition of and additional two (2) two-storey single bedroom single houses to existing single house, at No. 222 (Lot 233) East Parade, corner of Pakenham Street and Ebsworth Street, Mount Lawley, and as shown plans stamp-dated 2 August 2004, subject to:*

- (a) *compliance with all Building, Environmental Health and Engineering requirements;*
- (b) *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 East Parade, and Pakenham and Ebsworth Streets 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;*
- (c) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Pakenham Street and Ebsworth Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *the vehicle access from East Parade being closed/deleted and new vehicle access being provided from Pakenham Street for the existing residence/unit 3; and*
 - (2) *the plot ratio floor area of unit 1 and unit 2 being reduced in area to a maximum of 60 square metres each.*

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

- (e) *no vehicle access shall be permitted onto East Parade road reservation. All costs associated in the removal of the existing crossover on East Parade shall be met by the applicant/owner. All vehicular access shall be confined to Pakenham Street and Ebsworth Street;*
- (f) *the applicant/owner shall enter into a Deed of Agreement with the Western Australian Planning Commission to remove any improvements that have been carried on the existing dwelling abutting East Parade, at the applicant/owners expense; and*
- (g) *1.5 metres to be ceded free of cost along the eastern boundary of Lot 233 adjacent to the right of way. This allows for a 6 metres wide right-of-way to provide sufficient vehicle manoeuvring space and access for emergency vehicles such as fire fighting vehicles and ambulances in accordance with the WAPC Policy DC 2.6 - Residential Road Planning;*
- to the satisfaction of the Chief Executive Officer; and*
- (ii) *the Council ADVISES the applicant of the following advice from the Department for Planning and Infrastructure:*
- (a) *Lot 233 is affected by a land requirement for road widening, which has existed in the Metropolitan Region Scheme (MRS) for many years;*
- (b) *Main Roads WA is undertaking a planning review to identify the future requirements for the Guildford Road/East Parade/Whatley Crescent intersection and the surrounding area. The study is being undertaken in conjunction with Local Government and DPI; and*
- (c) *Current planning for the subject land indicates that there will be no change to the MRS reserve for East Parade. However, please be aware that this advice is preliminary only and may be subject to change through the course of the planning review.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Doran-Wu, Seconded Cr Franchina

That the recommendation be adopted.

Debate ensued.

Cr Torre returned to the Chamber at 9.23pm.

Moved Cr Doran-Wu, Seconded Cr Cohen

That clause (i)(d)(2) be deleted.

AMENDMENT LOST (3-5)

<u>For</u> Mayor Catania Cr Doran-Wu Cr Torre	<u>Against</u> Cr Chester Cr Cohen Cr Franchina Cr Ker Cr Lake
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(Cr Farrell was an apology for the meeting.)

MOTION CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	Chelmsford House Pty Ltd, Jaimi Pty Ltd & Volga Pty Ltd
Applicant:	Classique Realty
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	526 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	R60 - 1 Single House and 2 Single Bedroom Dwellings	R60 - 1 Single House and 2 Single Bedroom Dwellings
Plot Ratio	N/A	N/A
Setbacks: Unit 1 - First Floor - Ebsworth St - Main Building	6 metres	4.877 metres to 7.159 metres.
Unit 1 Deck – Ebsworth St Unit 2 Deck – Pakenham St	6 metres 6 metres	2.497 metres (min) 2.497 metres (min)
Privacy Assessment Unit 1 - Deck Unit 2 - Deck	7.5 metres 7.5 metres	2.497 metres (min) to east Boundary 2.497 metres to south boundary
Single Bedroom Dwelling Floor Area Unit 1 and Unit 2	60 square metres total floor area.	62.5 square metres total floor area, each.

* 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.

SITE HISTORY:

No. 222 East Parade is occupied by an existing single house on a lot bounded by East Parade, Pakenham Street, Ebsworth Street and a minor portion (1.97 metres) of the rear right of way. The existing house has its main frontage facing towards East Parade. The current access to the site is off East Parade.

The Council at its Ordinary Meeting held on 2 December 2003, resolved to refuse an application for a very similar proposal for the following reasons;

1. *Non compliances with density, setbacks, amenity of the area, store for Unit 3.*
2. *Future of any of the houses on East Parade.*
3. *Impact on the front house.*
4. *Concern with the 30% reduction in lot size rule being applied to two blocks, not one."*

DETAILS:

The applicant seeks approval for an additional two (2) two-storey single bedroom single houses with access and orientation towards Ebsworth and Pakenham Streets. The proposal generally complies with the Residential Design Codes (R Codes), and the Town of Vincent Town Planning Scheme No. 1 and associated Policies with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

The application was not advertised as a very similar proposal was previously determined by Council in the past 12 months. This application is also being referred to an Ordinary Meeting of Council for consideration and determination. No written submissions were received during the previous consultation period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The applicant has endeavoured to address the reasons for refusal by modifying the plans. The storeroom for the existing single house has been deleted and the streetscape appeal of the west elevation has been enhanced with the introduction of highlight windows and decorative mountings.

In relation to density, the units have remained unchanged. This due to the compliance achieved when applying the provisions of the R Codes relating to minimum site area requirements.

The R Codes state the following;

"for the purposes of an Aged or Dependent Persons' dwelling or a Single Bedroom Dwelling, the minimum site area may be reduced by up to one third..."

This has been applied in this instance and is deemed to comply.

There are no changes made to the setbacks, however, the applicant has provided artistic perspectives depicting the visual aspect of the development and the store proposed on unit 3 being removed.

The applicant has provided the following comments;

"The site itself is quite unique having a frontage to three streets and a laneway. The proposed development brings with it many benefits to the immediate neighbourhood, setting the trend for the redevelopment of surplus land not needed for road widening and forming a buffer between the houses in Ebsworth Street and the ever increasing traffic on East Parade."

The impact on the front house has been reduced somewhat through the implementation of design features on the proposed western wall of unit 2 facing East Parade. The intention of this is to reduce the impact of the development to the streetscape.

In relation to the 30 per cent reduction in lot size, the R Codes do not specify that it should apply only to one lot as mentioned in the above excerpt taken from the R Codes on site area requirements.

Further justification is made on the following grounds as provided by the applicant;

"It is envisaged that the current high levels of antisocial activity that the immediate neighbours have endured will show an immediate improvement."

JUSTIFICATION FOR VARIATIONS:

UNIT 1 SETBACKS (GROUND AND FIRST FLOOR - STREET)

The proposed development site is unusually affected due to it having 3 street frontages as well as a R.O.W and cul de sac. Compounding the corner street configuration is the skewed alignment of the R.O.W and Ebsworth Street to Pakenham Street. The logical alignment of proposed unit 1 is parallel to the northern side boundary creating an articulated open space area related to the intersection. An averaging of setback is requested as the street verges are some 5.5 metres in depth excluding the 1.5 metre path and boundary to boundary distance across the streets being 23.0 metres, in essence a very open intersection with the setback encroachment having little or no impact pertaining to Town of Vincent performance criteria.

PRIVACY - UNITS 1 & 2

The development being on a corner site and the proposed first floor decks overlooking the streets only (no impact on adjacent dwelling) a variation to the 7.5 metres deck setback is sought.

In conclusion, I would like to add that since State Government reclamation of adjacent properties, there now exists a "ghetto-like" streetscape with developmental future unknown. These abandoned and boarded up empty shells encourage vagrancy and transient sub-cultures to squat and congregate there. This development is an attempt to reinstate life to an otherwise dead crossroad."

The other matters relating to the proposal were addressed in Item 10.1.4 of the Ordinary Meeting of Council held on 2 December 2003. In light of the above, it is recommended that the proposal be approved subject to standard and appropriate conditions to address the above matters.

10.1.1 Further Report - No(s). 140A (Lot(s) 56 & 9) Edward Street (Corner Pier Street), Perth - Proposed Patio and Seating Area Additions to Existing Shop (Take Away Food Outlet) and Office Building

Ward:	South	Date:	15 November 2004
Precinct:	Beaufort; P13	File Ref:	PRO1088; 00/33/2391
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Frigger on behalf of the owner Computer Accounting & Tax Pty Ltd for proposed Patio and Seating Area Additions to Existing Shop (Take Away Food Outlet) and Office Building, at No(s). 140A (Lot(s) 56 & 9) Edward Street (corner Pier Street), Perth, and as shown on plans stamp-dated 30 July 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements;*
 - (b) *patio addition to be compatible with the existing building in terms of colour and scale;*
 - (c) *the applicant/owner shall pay a cash-in-lieu contribution of \$11,750 for the equivalent value of 4.7 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
 - (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the patio being setback a minimum of 2.5 metres from the southern/Edward Street boundary. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
 - (e) *the outdoor seating area shall be limited to 50 square metres; and*
 - (f) *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);*

to the satisfaction of the Chief Executive Officer;

- (ii) *the Council AUTHORISES the Chief Executive Officer to investigate the alleged unauthorised use at No(s). 140-140B (Lot(s) 56 & 9) Edward Street (corner Pier Street), Perth, including liaising with the Western Australian Police Service, and DEFERS the instigation of any legal action until the Council further considers the matter; and*
- (iii) *the Council NOTES that a further report will be submitted to Council after the investigations have been carried out.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted subject to clause (i) being amended as follows:

"That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Frigger on behalf of the owner Computer Accounting & Tax Pty Ltd for proposed Patio and Seating Area Additions to Existing Shop (Take Away Food Outlet) and Office Building, at No(s). 140A (Lot(s) 56 & 9) Edward Street (corner Pier Street), Perth, and as shown on amended plans stamp-dated 30 July 19 November 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements;*
- (b) *patio addition to be compatible with the existing building in terms of colour and scale;*
- (c) *the applicant/owner shall pay a cash-in-lieu contribution of ~~\$11,750~~ \$8,500 for the equivalent value of ~~4.7~~ 3.4 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the patio being setback a minimum of 2.5 metres from the southern/Edward Street boundary. The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*
- (e) *the outdoor seating area shall be limited to ~~50~~ 40 square metres; ~~and~~*
- (f) ~~*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);*~~
- to the satisfaction of the Chief Executive Officer;"*

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.1

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Frigger on behalf of the owner Computer Accounting & Tax Pty Ltd for proposed Patio and Seating Area Additions to Existing Shop (Take Away Food Outlet) and Office Building, at No(s). 140A (Lot(s) 56 & 9) Edward Street (corner Pier Street), Perth, and as shown on amended plans stamp-dated 19 November 2004, subject to:*

(a) *compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements;*

(b) *patio addition to be compatible with the existing building in terms of colour and scale;*

(c) *the applicant/owner shall pay a cash-in-lieu contribution of \$8,500 for the equivalent value of 3.4 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*

(d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the patio being setback a minimum of 2.5 metres from the southern/Edward Street boundary. The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*

(e) *the outdoor seating area shall be limited to 40 square metres;*

to the satisfaction of the Chief Executive Officer;

(ii) *the Council AUTHORIZES the Chief Executive Officer to investigate the alleged unauthorised use at No(s). 140-140B (Lot(s) 56 & 9) Edward Street (corner Pier Street), Perth, including liaising with the Western Australian Police Service, and DEFERS the instigation of any legal action until the Council further considers the matter; and*

(iii) *the Council NOTES that a further report will be submitted to Council after the investigations have been carried out.*

ADDITIONAL INFORMATION:

The applicant has submitted amended plans stamp dated 19 November 2004 (copy attached), which delete the eastern portion of the patio. In light of the amended plans indicating the patio being reduced in area and the development being on one lot only, the Officer Recommendation should be amended accordingly.

Car Parking

Car parking requirement (nearest whole number) - Previously approved take- away lunch bar car bays- 4.3 bays - Previously approved office car bays - 2.5 bays - Proposed seating area - 40 square metres requires extra 8.89 bays	16 car bays
Apply the adjustment factors. ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of one or more existing public car parking place(s) with in excess of a total 50 car parking spaces)	(0.65025) 10.4 car bays
Minus the car parking provided on-site	7 car bays
Plus the most recently approved on-site car parking shortfall	0
Resultant shortfall	3.4 car bays

In light of amended plans submitted by the applicant, clause/condition (f) has been deleted from the Officer Recommendation. Clauses (ii) and (iii) relate to Council authorising the Chief Executive Officer to investigate the alleged unauthorised use at the subject property, and Council noting that a further report will be submitted to Council after the investigations have been carried out.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 9 November 2004 considered the subject proposal and resolved to defer the application to seek further information relating to the whole of the site and its uses.

In relation to the building being used as an alleged unauthorised use, the Town will investigate this matter and undertake further action if required.

Notwithstanding this, the subject proposal relates to the existing authorised shop (take away food outlet). This has been confirmed via the Town's records and a site inspection by the Town's Officers. It is therefore considered that the subject proposal should be determined based on its own merits and independent from the uses of the rest of the site.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 November 2004:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Frigger on behalf of the owner Computer Accounting & Tax Pty Ltd for proposed Patio and Seating Area Additions to Existing Shop (Take Away Food Outlet) and Office Building, at No(s). 140A (Lot(s) 56 & 9) Edward Street (corner Pier Street), Perth, and as shown on plans stamp-dated 30 July 2004, subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*

- (ii) *compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements;*
- (iii) *patio addition to be compatible with the existing building in terms of colour and scale;*
- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *the applicant/owner shall pay a cash-in-lieu contribution of \$11,750 for the equivalent value of 4.7 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the patio being setback a minimum of 2.5 metres from the southern/Edward Street boundary. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (vii) *the outdoor seating area shall be limited to 50 square metres; and*
- (viii) *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);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Torre returned to the Chamber at 8.03pm.

Cr Chester departed the Chamber at 8.04pm.

LOST ON THE CASTING VOTE
OF THE PRESIDING MEMBER (3-4)

For

Deputy Mayor – Cr Ker (initial vote)

Cr Farrell

Cr Lake

Against

**Deputy Mayor – Cr Ker*

Cr Cohen

Cr Franchina

Cr Torre

**Deputy Mayor – Cr Ker used a casting vote to make the vote (3-4).*

(Mayor Catania and Cr Doran-Wu were apologies for the meeting. Cr Chester was absent from the Chamber and did not vote.)

Reason:

1. *Not wishing to endorse an alleged unauthorised use of the remaining building.*

Debate ensued.

The Chief Executive Officer advised that the application is from a "bona fide" food premises and Council should consider this and seek further advice on the alleged unauthorised uses.

Moved Cr Torre, Seconded Cr Farrell

That the Item be resubmitted.

CARRIED (5-1)

For

Deputy Mayor – Cr Ker
Cr Farrell
Cr Franchina
Cr Lake
Cr Torre

Against

Cr Cohen

(Mayor Catania and Cr Doran-Wu were apologies for the meeting. Cr Chester was absent from the Chamber and did not vote.)

Cr Chester returned to the Chamber at 8.10pm.

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

That the Item be DEFERRED to seek further information relating to the whole of the site and its uses.

CARRIED (6-1)

For

Deputy Mayor – Cr Ker
Cr Cohen
Cr Farrell
Cr Franchina
Cr Lake
Cr Torre

Against

Cr Lake

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

<i>Landowner:</i>	<i>Computer Accounting & Tax Pty Ltd</i>
<i>Applicant:</i>	<i>A Frigger</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential/Commercial R80</i>
<i>Existing Land Use:</i>	<i>Shop & Office Building</i>
<i>Use Class:</i>	<i>Shop & Office Building</i>
<i>Use Classification:</i>	<i>"AA"</i>
<i>Lot Area:</i>	<i>587 square metres</i>

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>
<i>Car bays</i>	<i>12.35 car bays</i>	<i>7 car bays</i>
<i>Setbacks</i>	<i>Setback from the street alignment at a distance that is generally consistent with the building setback on the adjacent land and in the immediate locality</i>	<i>West (Pier Street) setback - Nil South (Edward Street) setback - 1.0-6.0 metres</i>

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

SITE HISTORY:

The subject site has an extensive history relating to the building being used as an alleged unauthorised use. Notwithstanding this, the subject proposal relate to the existing authorised shop (take away food outlet)

DETAILS:

Approval is sought for patio additions to existing shop (take-away food outlet) and office building at the subject site. The applicant has indicated that the patio will be utilised for a seating area for customers.

CONSULTATION/ADVERTISING:

The proposal was not required to be advertised as both adjoining neighbours have signed plans, indicating they have no objections.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

Pier Street streetscape has a precedence of buildings with a nil setback and is dominated by car parking, on -street and off-street. Accordingly, the proposed nil setback to Pier Street is supported as it is an open structure and not considered to unduly impact on the streetscape of the area. The proposed patio setback to Edward Street is not regarded to be consistent with those on the same street and it is therefore, recommended that the patio be setback a minimum of 2.5 metres. Although this setback is still less than the neighbouring properties, 2.5 metres is considered appropriate given that the structure is open and it is a corner site.

Car Parking

<i>Car parking requirement (nearest whole number)</i> <i>- Previously approved take- away lunch bar car bays- 4.3 bays</i> <i>- Previously approved office car bays - 2.5 bays</i> <i>- Proposed seating area - 50 square metres requires extra 11.11 bays</i>	<i>18 car bays</i>
<i>Apply the adjustment factors.</i> <ul style="list-style-type: none"> ▪ <i>0.85 (within 800 metres of a rail station)</i> ▪ <i>0.85 (within 400 metres of a bus stop)</i> ▪ <i>0.90 (within 400 metres of one or more existing public car parking place(s) with in excess of a total 50 car parking spaces)</i> 	<i>(0.65025)</i> <i>11.70 car bays</i>
<i>Minus the car parking provided on-site</i>	<i>7 car bays</i>
<i>Plus the most recently approved on-site car parking shortfall</i>	<i>0</i>
<i>Resultant shortfall</i>	<i>4.70 car bays</i>

The extra parking bays required for the proposal (with consideration of the increased setback) cannot be accommodated on-site as it is an established development. The Town's Policy relating to Parking and Access allows for a cash- in- lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. In this instance, the parking shortfall is not considered excessive and is supported with the cash-in-lieu payment.

On the above basis, the proposal is considered acceptable, subject to standard and appropriate conditions to address the above matters."

10.1.2 No(s). 38A (Lot(s) 90) Kadina Street, North Perth - Proposed Two-Storey Single House

Ward:	North	Date:	15 November 2004
Precinct:	Smith's Lake; P6	File Ref:	PRO2833; 00/33/2371
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Trendsetter Homes on behalf of the owner AM Wyeth & TD Murat for proposed Two-Storey Single House, at No(s). 38A (Lot(s) 90) Kadina Street, North Perth, and as shown on amended plans stamp-dated 4 November 2004 and 13 November 2004 (neighbouring properties plan), subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Kadina 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;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements; and*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony screen on the eastern elevation being a minimum height of 2.4 metres and the screen "wing wall" to bedroom 3 window being a minimum height of 1.6 metres above the finished first floor level. The screens shall be constructed of a permanent obscure material which 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 Town's Policies and the Residential Design Codes;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

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 1st floor - South/Kadina Street	6.0 metres	4.0 metres	Supported - precedence <u>of established streetscape</u> <u>comprises</u> reduced street setbacks (upper and lower floors), proposal rear of original corner lot, and no undue impact on streetscape.
- East	2.1 metres	1.9-3.9 metres	Supported - minor variation and staggering of setbacks.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
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.

Landowner:	AM Wyeth & TD Murat
Applicant:	Trendsetter Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	380 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a proposed two-storey single house. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks 1st floor - South/Kadina Street	6.0 metres	4.0 metres	Supported - precedence of reduced street setbacks (upper and lower floors), proposal rear of original corner lot, and no undue impact on streetscape.
- East	2.1 metres	1.9-3.9 metres	Supported - minor variation and staggering of setbacks.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

The proposal is recommended for approval, subject to standard and appropriate conditions, including a condition ensuring the screens are compliant.

10.1.10 No(s). 186 (Lot(s) 254 & 255) (Shop 2) Scarborough Beach Road, Corner Matlock Street, Mount Hawthorn - Proposed Alterations and Additions to Existing Shop and Associated Signage

Ward:	North	Date:	15 November 2004
Precinct:	Mt Hawthorn Centre; P2	File Ref:	PRO1537; 00/33/2479
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Cadre Design & Construction on behalf of the owners J Wolozny, K Cook, S Guy, M Leadbetter & G Letizia for proposed Alterations and Additions to Existing Shop and Associated Signage, at No(s). 186 (Lot(s) 254 & 255) (Shop 2) Scarborough Beach Road, corner Matlock Street, Mount Hawthorn, and as shown on plans stamp-dated 6 September 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (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;*
- (v) prior to the issue of a Sign Licence, revised plans shall be submitted to and approved by the Town, demonstrating the deletion of the proposed removable flags, the 'A' frame sign and the "Flight Centre Captain". The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*
- (vi) the doors, windows and adjacent floor areas fronting Scarborough Beach Road, except where the subject approved window signage is located, shall maintain an active and interactive relationship with the street;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Chester

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

- "(v) prior to the issue of a Sign Licence, revised plans shall be submitted to and approved by the Town, demonstrating the ~~deletion of the proposed removable flags, the 'A' frame sign and the "Flight Centre Captain"~~ proposed removable flags and "Flight Centre Captain" not encroaching more than 0.5 metre onto the footpath from the existing shop front. The revised plans shall not result in any greater variation to the requirements of the Town's Policies; ~~and~~*

- (vii) *the 'A' frame sign, being on the road reserve does not require Planning Approval, therefore is not part of this Approval, however, the sign requires a separate licence relating to the display of items on a footpath being applied to and approved by the Town; and*
- (viii) *the Town accepts no responsibility for any claims arising out of the presence of any obstruction on the road reserve. The applicant is to ensure that any obstructions placed within the road reserve, is covered by the applicant's Public Liability Insurance Policy. A copy of a current Insurance Policy is to be provided to the Town for its records."*

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Cadre Design & Construction on behalf of the owners J Wolozny, K Cook, S Guy, M Leadbetter & G Letizia for proposed Alterations and Additions to Existing Shop and Associated Signage, at No(s). 186 (Lot(s) 254 & 255) (Shop 2) Scarborough Beach Road, corner Matlock Street, Mount Hawthorn, and as shown on plans stamp-dated 6 September 2004, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *the signage shall not have flashing or intermittent lighting;*
- (iii) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (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;*
- (v) *prior to the issue of a Sign Licence, revised plans shall be submitted to and approved by the Town, demonstrating the proposed removable flags and "Flight Centre Captain" not encroaching more than 0.5 metre onto the footpath from the existing shop front. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (vi) *the doors, windows and adjacent floor areas fronting Scarborough Beach Road, except where the subject approved window signage is located, shall maintain an active and interactive relationship with the street;*
- (vii) *the 'A' frame sign, being on the road reserve does not require Planning Approval, therefore is not part of this Approval, however, the sign requires a separate licence relating to the display of items on a footpath being applied to and approved by the Town; and*

(viii) *the Town accepts no responsibility for any claims arising out of the presence of any obstruction on the road reserve. The applicant is to ensure that any obstructions placed within the road reserve, is covered by the applicant's Public Liability Insurance Policy. A copy of a current Insurance Policy is to be provided to the Town for its records.*

to the satisfaction of the Chief Executive Officer.

ADDITIONAL INFORMATION:

The footpath in front of No. 186 Scarborough Beach Road ('Flight Centre') is 3.7 metres wide. A 2.5 metres wide footpath is considered acceptable for all path users. An encroachment of no more than 0.5 metre from the shop front of the 3.7 metres wide footpath is therefore considered acceptable.

There are no existing poles on the footpath in front of No. 186 Scarborough Beach Road, therefore having the "Flight Centre Captain" no more than 0.5 metre away from the shop front would provide the most continuous accessible path of travel.

The proposed 'A' frame sign being on the road reserve does not require Planning Approval, however, this sign requires a separate licence relating to the display of items on a footpath being applied to and approved by the Town.

Landowner:	J Wolozny & K Cook & S Guy & M Leadbetter & G Letizia
Applicant:	Cadre Design & Construction
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:	1016 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to existing shop and alterations and additions to existing signage, at No(s). 186 (Lot(s) 254 and 255) (Shop 2) Scarborough Beach Road, Mount Hawthorn. The proposed signs include an illuminated projecting sign, 2 tethered signs (flags), life-size fibreglass model of the 'Flight Centre Captain', illuminated wall sign, 'A' frame sign, a projecting sign and 3 window 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 Illuminated Projecting Sign	Have a minimum clearance of 2.7 metres from the finished ground level	Clearance of 2.4 metres from the finished ground level	Supported - minor variation in the context existing building.
Proposed 2 Tethered Signs (Flags)	Be located wholly within the boundaries of the lot. Be not less than 2.7 metres or greater than 8 metres from the finished ground level.	Not in boundaries of lot. 1.9 metres from finished ground level.	Not Supported - excessive and undue impact on amenity.
Proposed Life Size Fiberglass Model of the 'Flight Centre Captain'	Not to extend beyond any boundary of a lot.	Not in boundaries of lot.	Not Supported - excessive and undue impact on amenity.
Proposed illuminated wall sign	If placed directly over door openings, have a minimum clearance of 2.7 metres from finished ground level.	Clearance of 2.45 metres	Supported - minor variation in the context of existing building.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
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 proposed projecting, wall and window signs are considered acceptable, and the clearance variations are considered minor, as they do not unduly impact the streetscape and amenity. The remaining signage is considered excessive and unduly affects the streetscape and amenity.

Approval is recommended, subject to standard and appropriate conditions.

10.1.11 No(s). 500 (Lot(s) Y147) Charles Street, North Perth - Proposed Change of Use to Vehicle Sales Premises

Ward:	North	Date:	15 November 2004
Precinct:	North Perth; P8	File Ref:	PRO2961; 00/33/2508
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by A Briffa on behalf of the owners K G Kapinkoff & V Tomsic for proposed Change of Use to Vehicle Sales Premises at No(s). 500 (Lot(s) Y147) Charles Street, North Perth, and as shown on plans stamp-dated 20 September 2004, for the following reasons:

- (i) the development is not consistent with orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the proposed use is classified as Vehicle Sales Premises, which is an "X" use under the Residential zone of the property, therefore the use is not permitted by the Town's Town Planning Scheme No. 1; and*
- (iii) the non-compliance with the Town's Policy relating to Non-Residential Development in/or Adjacent to Residential Areas, and Town Planning Scheme No. 1, namely provisions relating to Non-Conforming Uses and "X" Uses.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Franchina

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Torre

That the Item be DEFERRED to allow for potential options to be reported on in more detail and advice provided to the applicant.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	KG Kapinkoff & V Tomsic
Applicant:	A Briffa
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
Existing Land Use:	Shop
Use Class:	Vehicle Sales Premises
Use Classification:	"X"
Lot Area:	415 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A

* 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.

SITE HISTORY:

The subject site and surrounding properties are zoned Residential R60. There is currently a single storey shop on the subject site. There is a registered non-conforming use adjoining the northern boundary of the subject site at Nos. 502-506 (Lot 148, 149 and 150) Charles Street. The registered non-conforming use is for Vehicle Sales Premises and Showroom. There are no other properties within the vicinity of the subject site on the adopted Town's Non-Conforming Use Register.

DETAILS:

The applicant seeks approval for a change of use on the subject site to vehicle sales premises. The proposal does not include any construction or structural changes to the existing property. The applicant's submission is included as an attachment to this report.

CONSULTATION/ADVERTISING:

No advertising was required for the subject proposal as the proposed use is not permitted by the Town's Town Planning Scheme No. 1, and is being referred to Council for its consideration and determination.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

The Council does not have the discretion to approve an "X" use of land for this site, under the TPS No. 1.

The purpose of the Zone Table contained within TPS No. 1 is to indicate the uses permitted in the TPS No. 1 area in the various zones. An "X" means that the use is not permitted by TPS No. 1. A Note contained in the Scheme also states: "Council shall refuse to approve any "X" use of land. Approval of an "X" use may only proceed by way of a scheme amendment."

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

A non-conforming use, as defined in TPS No. 1, *"means any use of land or building which is lawful prior to the coming into operation of the scheme, but is not now in conformity with the provisions of the scheme."* It is noted the subject site is not registered on the adopted Non-Conforming Use Register contained within the Town's Planning and Building Policy Manual.

The Town's officers have carried out extensive investigations of files and records to ascertain the previous approval of a non-conforming use. None could be found.

The subject site is zoned "Residential R60" under the Town of Vincent Town Planning Scheme No. 1 (TPS No. 1). The Town's Non-Residential Uses in/or Adjacent to Residential Areas Policy states that *"Non-residential development on land which is or may be used for residential purposes is only permitted where the nature of the non-residential use will not cause undue conflict through generation of traffic and parking or the emission of noise or other form of pollution which may be undesirable in residential areas."* In light of the above, it is considered the proposed development will cause undue conflict and negatively affect the amenity of the surrounding residential area.

In summary, the proposal represents an inappropriate use for the site and as such would set an undesirable and negative impact on the amenity of the area, in particular the residential component, which the Town is endeavouring to encourage and consolidate in this area. Accordingly, it is recommended that the proposal be refused.

The applicant was advised of the Officer Recommendation for refusal in mid October 2004.

10.1.17 Petition Seeking a Portion of Forrest Park to be Set Aside as a Dog Exercise Area

Ward:	South	Date:	16 November 2004
Precinct:	Forrest; P14	File Ref:	RES0003
Attachments:	-		
Reporting Officer(s):	J MacLean, J Van den bok, J Anthony		
Checked/Endorsed by:	R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council DOES NOT set aside a portion of Forrest Park to enable dogs to be exercised off-leash at all times, as requested by Petition.

Cr Cohen departed the Chamber at 9.37pm.

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted subject to it being numbered (i) and a new clause (ii) being added as follows:

"(ii) erects a notice board in a prominent position on the wall of the Forrest Park changeroom block, so that the public can be notified of the dates and times of "Approved" events held on the reserve."

CARRIED (7-0)

(Cr Farrell was an apology for the meeting. Cr Cohen was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.17

That the Council;

- (i) DOES NOT set aside a portion of Forrest Park to enable dogs to be exercised off-leash at all times, as requested by Petition; and*
- (ii) erects a notice board in a prominent position on the wall of the Forrest Park changeroom block, so that the public can be notified of the dates and times of "Approved" events held on the reserve.*

FURTHER REPORT:

This matter was considered at the Ordinary Meeting of Council held on 10 February 2004 and was deferred to allow officers time to investigate and prepare a more efficient use of the Park.

Since February 2004, Rangers have undertaken numerous patrols and have regularly monitored the activity on Forrest Park and have identified very few problems. A substantial number of dog owners, who previously met on Forrest Park each night, now use Jack Marks Reserve, a short distance away. This has resulted in a marked reduction in the number of dogs using the reserve, particularly in the evening, when official sporting activities are taking place. It is therefore suggested that the current use of the park is efficient and does not need amendment.

Comments were also sought from the Manager Parks Services and the Manager Community Development. The Manager Parks Services commented that in the 2004/2005 Budget, an amount has been set aside to fence the children's playground in Jack Marks Reserve and that a quotation is currently being obtained. The fencing will be erected as soon as is practicable. The Manager Community Development commented that it may be appropriate to investigate allowing the free exercise of dogs at all times, but this is not practical in this case. While most dog-owners, using Forrest Park, clearly comply with the relevant legislation, there are some who deliberately and knowingly defy the legislation. While the above recommendation means that compliant dog owners may be slightly disadvantaged because of the actions of the "inconsiderate" dog owners, the retention of the status quo continues to be recommended.

Since February 2004, Rangers have issued two (2) Official Warnings to dog owners and the Town has recorded one (1) complaint about a dog control matter, in Forrest Park. In response to this complaint, a Ranger called at the alleged offender's house to discuss the matter. The alleged offender, who had been previously dealt with for a similar offence, emphatically denied any wrong-doing and, because the offence was not observed by an Authorised Officer, the matter was dealt with by way of a verbal warning.

One offender, who was issued with an infringement notice in September 2003, has nominated to have his case heard in the Court of Petty Sessions and the Law and Order Services staff are awaiting notification of a Court First Mention date.

Because the previous problems appear to have been substantially resolved without the need for any amendment to the Town's Local Law Relating to Dogs, it is considered appropriate to have the Council approve the previous recommendation, to take no further action.

However, in view of some of the previous complaints about whether an event was "approved" or not, it is considered appropriate to investigate a way to provide advance notice to park-users, of the times and days when approved sporting functions are taking place. This information is currently available to the Town, since prospective users must fill in an application to use a reserve and it should not pose a major problem to provide this information to patrons. The erection of a sign-board, which details these dates and times, may provide the information.

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 10 February 2004:

In 1987, when the Dog Act 1976 was amended to enable Local Governments to set aside areas for dog-exercise, Forrest Park was considered, by the City of Perth, for designation as a "Free Exercise Area". However, this reserve was an "Active Sporting Reserve", as opposed to a passive recreation reserve, so the City decided to include the reserve in the Animal Control By-law, with the condition that dogs could only be off-leash at such times as the reserve was not being used for sporting purposes. When the Local Law Relating to Dogs was reviewed by the Town a number of years ago, it was decided that this designation continued to meet the needs of the sporting clubs, while continuing to provide a free exercise area, where dogs could be off-leash, when sports were not being played.

A petition containing sixty three (63) signatures was received by the Town of Vincent on 11 December 2003 and was read out at the Ordinary Meeting of the Council on 16 December 2003. A further petition-sheet, containing an additional twelve (12) signatures was received on 18 December 2003, bringing the total number of signatures to seventy five (75). The petition had the following heading:

"We the undersigned Rate Payers of the Town of Vincent request Council to allot an area of Forrest Reserve specifically for passive recreation and dog exercise"

DETAILS:

Because of the area used by the sporting clubs, any portion that was excised from the reserve, for use by dog owners, would of necessity be very small. The plan, attached at Appendix 1, shows the circular cricket pitches and the rectangular soccer pitches as they are set out on Forrest Park during the summer and winter seasons. Due to the proximity of such a portion to training and playing children, Perth Soccer Club, which hires the reserve on a seasonal basis has indicated that they would be opposed to the Town allocating an area for dog exercise. The Cricket Club, which uses less of the reserve for playing, may be less affected if such an area were to be set aside. However, should the Council decide to provide a dog exercise area, for reasons of children's safety, it would therefore be necessary to erect a boundary fence.

The Manager Parks Services has been consulted and he believes that, if a fenced area were to be set aside for dog exercise, it would make it more difficult to mow the grass and would require a gardener to use a "whipper-snipper" on both sides of the fence, to keep the grass at a manageable level. This would be time consuming and would have an additional cost associated with it.

For some time, Rangers have adopted the principle that, where off-leash dogs are not adversely affecting sporting functions or training, there is no need to intervene. While technically not permitted, dog owners were permitted to use the areas well away from the sports games and training sessions, provided there was no interference.

However, over the past year or so, there has been an increasing number of complaints being dealt with by the Rangers, that animals were being allowed to run off-leash on and adjacent to training and sports games. In a number of recent cases complaints were received that at least one owner was actively encouraging his dog to run among the children, by throwing a "dog-toy" on to the pitch. This has been confirmed by a number of people, including one of the Town's Rangers.

As a result of the increasing number of complaints, Rangers were asked to visit the reserve as often as possible and to try to obtain compliance with the Local Law, without issuing infringement notices. Rangers spent a number of weeks speaking to dog owners, explaining the need to have dogs on-leash, when sports games and training was in progress but, while compliance was obtained at that specific time, the same dog owners were seen to be re-offending over and over again. Rangers warned offenders by issuing Official Cautions and making them aware that a recurrence would result in the issuing of infringement notices, but many of these owners disregarded the warnings and were subsequently fined under the Dog Act 1976.

Forrest Park is used by Perth Soccer Club during the cooler months and by Tuart Hill Cricket Club during the summer months. The soccer club, who oppose any change in the dog exercise area, have provided details of their maximum usage of the reserve, where three full-size and three half-size pitches are marked out. While only two (2) cricket pitches are marked out during the summer months, both are large and take up a substantial part of the park area. During the soccer season, there is almost no available free space on the reserve, which could be used as a dog exercise area and during the cricket season the availability of space that can be used as a dog exercise area is limited.

As a result of enforcement measures by Rangers, dog owners have lobbied hard to have an area permanently set aside for dog exercise, within the boundaries of Forrest Park and this petition is an extension of this lobbying. However, because of the area currently used by the sporting clubs and the limited size of dog exercise area that would be available, it is considered to be impractical to set aside a portion of this area for this purpose. This would be further complicated by the need to erect fencing to maintain a separation between dogs and children.

It is suggested that, since the Town spends a substantial amount of money on maintaining Forrest Park as an active sporting venue, it may be inappropriate to reduce the available space by allowing a section to be excised for dogs to be exercised off-leash. A few months ago, a similar petition was received from dog owners in the vicinity of Charles Veryard Reserve, Bourke Street, North Perth and it was decided that, for similar reasons, it was not appropriate to agree to the request.

On the same evening as the above petition was read out at the Ordinary Meeting of Council, a similar petition, relating to Britannia Road Reserve, was also read out. This matter is still under investigation and a report will be submitted to the Council in due course.

During numerous telephone calls with dog owners who seek to have larger areas set aside for exercising dogs, a common theme of the complainants is that, while they pay their rates, unless the sporting clubs provide a service predominantly to Vincent residents, they should not be allowed to train or play. While it is acknowledged that many sporting clubs encourage non-Vincent children to join, this should not preclude the clubs from operating within the Town.

In the case of Forrest Park patrons, it has been suggested that dog owners use Jack Marks Reserve, a passive recreation reserve, designated as a dog exercise area at all times, which is close by. The general responses to this suggestion have been that the reserve is too small and that there is an unfenced children's play park. However, in comparison to any available portion of Forrest Park, this reserve would be much larger. It is understood that the Parks Services Section intends to seek an amount in the 2004/2005 Budget to fence the children's play area in Jack Marks Reserve.

CONSULTATION/ADVERTISING:

It is suggested that this issue is a highly polarised one and it is highly unlikely that a compromise agreement could be reached between the sporting clubs and the dog owners. Substantial consultation has already occurred on an individual basis and the petition clearly outlines the feelings of the dog owners. In discussion with other officers of the Town and the sporting clubs, an opposite opinion has been put forward.

LEGAL/POLICY:

There are no legal implications associated with the continuation of the designation of Forrest Park as a dog exercise area, when games or training functions are not being undertaken.

STRATEGIC IMPLICATIONS:

The above recommendation is in keeping with the Town of Vincent Strategic Plan 2003 – 2008, at area 2.5 (c) “Implement a holistic and pro-active community safety programme” and at 2.5(f) “Provide services for the control of animals within the Town”

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with the report.

COMMENTS:

While it is acknowledged that dog owners may be inconvenienced by their inability to use Forrest Park Reserve at all times as a dog exercise area, it must be stressed that the park is primarily set aside as an active sporting reserve. Under the Dog Act 1976, the Town may designate an area for use as a dog exercise facility. However, it would be considered inappropriate to do so, if it is to the detriment of children's sporting clubs.

The recommendation that Forrest Park remains a dog exercise area only when the ground is not being used for sporting pursuits, is recommended for approval."

10.1.19 Community Visioning Project - Progress Report No.2

Ward:	Both Wards	Date:	19 November 2004
Precinct:	All Precincts	File Ref:	PLA0144
Attachments:	-		
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES** the Progress Report No. 2 as at 19 November 2004 relating to the Community Visioning Project; and
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** to re-allocate \$19,485 to the Community Visioning Project and this be funded from the following;

<i>Item</i>	<i>Amount Required</i>	<i>Funding Source</i>	<i>Amount</i>	<i>Net Impact</i>
<i>Community Visioning</i>	<i>\$6,000</i>	<i>Strategic Planning and Heritage Publicity and Promotions</i>	<i>\$6,000</i>	<i>0</i>
<i>Community Visioning</i>	<i>\$1,685</i>	<i>Car Park Strategy Implementation Yr 1 of 5</i>	<i>\$1,685</i>	<i>0</i>
<i>Community Visioning</i>	<i>\$11,800</i>	<i>Leederville Masterplan Account</i>	<i>\$11,800</i>	<i>0</i>

Moved Cr Torre, Seconded Cr Franchina

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

- "(ii) **APPROVES BY AN ABSOLUTE MAJORITY** to re-allocate \$19,485 to the Community Visioning Project and this be funded from the following;

<i>Item</i>	<i>Amount Required</i>	<i>Funding Source</i>	<i>Amount</i>	<i>Net Impact</i>
<i>Community Visioning</i>	<i>\$6,000</i>	<i>Strategic Planning and Heritage Publicity and Promotions</i>	<i>\$6,000</i>	<i>0</i>
<i>Community Visioning</i>	<i>\$1,685</i> <i>\$7,685</i>	<i>Car Park Strategy Implementation Yr 1 of 5</i>	<i>\$1,685</i> <i>\$7,685</i>	<i>0</i>
<i>Community Visioning</i>	<i>\$11,800</i>	<i>Leederville Masterplan Account</i>	<i>\$11,800</i>	<i>0"</i>

Debate ensued.

Cr Cohen returned to the Chamber at 9.38pm.

Cr Franchina departed the Chamber at 9.38pm.

Cr Franchina returned to the Chamber at 9.45pm.

Moved Cr Lake, Seconded Cr Ker

That a new clause (iii) be inserted as follows:

"(iii) RECONSIDERS the additional items as outlined as Stage 3, 4 and 5 at the second meeting in December 2004 and the Town urgently contacts the Department for Planning and Infrastructure requesting a decision on the funding applied for."

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.19

That the Council:

(i) *RECEIVES the Progress Report No. 2 as at 19 November 2004 relating to the Community Visioning Project;*

(ii) *APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$19,485 to the Community Visioning Project and this be funded from the following; and*

<i>Item</i>	<i>Amount Required</i>	<i>Funding Source</i>	<i>Amount</i>	<i>Net Impact</i>
<i>Community Visioning</i>	<i>\$7,685</i>	<i>Car Park Strategy Implementation Yr 1 of 5</i>	<i>\$7,685</i>	<i>0</i>
<i>Community Visioning</i>	<i>\$11,800</i>	<i>Leederville Masterplan Account</i>	<i>\$11,800</i>	<i>0</i>

(iii) *RECONSIDERS the additional items as outlined as Stage 3, 4 and 5 at the second meeting in December 2004 and the Town urgently contacts the Department for Planning and Infrastructure requesting a decision on the funding applied for.*

ADDITIONAL INFORMATION:

The agenda report noted the following with regard to reallocating funds from the Car Park Strategy Implementation (Year 1 of 5) to Community Visioning.

"It is considered that the following aspects /tasks of the implementation strategy will be sufficiently produced 'in house' by the Town's Strategic Planning Officers. Those being:

- 1. Task 10: Prepare and implement design guidelines for Multi-Storey Car Parks. Releasing \$5000.*
- 2. Task 2: Advertise location of Town's car parks via the Town's website. Releasing \$2000.*
- 3. Advertise location of Town's Car Park via Town's Newsletter. Releasing \$2000.*
- 4. Task 23: Prepare and implement a study on major pedestrian routes. Releasing \$3000."*

In view of the above, it is not considered that an additional \$6,000 sourced from the Car Park Strategy Implementation (Yr 1 of 5) to fund Community Visioning will detrimentally affect that project.

The Project is currently in stage 3 (Creating the Vision) of a 5 stage process. Progress Report No.2 details the costs to be incurred to finish Stage 3 along with the submission of a final report by the Consultant. To finish the project, that is, Stages 4 (Developing Action Plan) and 5 (Monitoring and Evaluation), the following activities, as outlined in the Consultant's tender, would be carried out. It is noted that the following matters would not be carried out in the event that additional monies were not realised.

Consultant's Brief/Additional Item	Task	Timeline	Cost
Stage 3 - Creating the Vision			
Additional Item	1 Business Breakfast Forum (Consultant's Fees)	February/March 2005	\$1,175 (\$475 Consultant's Fee; \$300 Catering; \$400 Advertising)
Stage 4 - Developing the Action Plan			
Consultant's Brief	Local Professional Panel Facilitation/Report	February-March 2005	\$760
Consultant's Brief	2nd Community Workshop (Steven Ames) Consultant's Fees/Report	April 2005	\$2,500 (fees/local airfare split) \$2,280
Additional Item	Drafting Additional Vision Statements (As a result of expanded place based workshops (5))	March/April 2005	\$2,660
Stage 5 - Monitoring and Evaluation			
Consultant's Brief	Design draft monitoring/evaluation process	April/May 2005	\$380
Consultant's Brief	Development of Indicators/Report	May 2005	\$1140
Additional Item	Costs to the Town for catering, promotion and advertising of the 2nd Community Workshop, catering costs for PRG and CVT Meetings.		\$3,000
Additional Item	Project Reference Group (PRG) Meetings	Remainder of Project within Timeline	\$950 (Consultant's Fee)
Additional Item	Community Visioning Taskforce (CVT) Meetings	Remainder of Project within Timeline	\$1,995 (Consultant's Fee)
Total - Consultant's Brief			\$7,060
Total - Additional Items			\$9,780
Grand Total			\$16,840

The above Consultant's Brief Items and Additional Items are over and above the proposed budget re-allocation amount of \$19,485.

The Consultant's Brief Items listed above would be necessary to complete the Project in accordance with the Consultant's contract to design, prepare and carry out a community visioning process for the Town of Vincent. The Additional Items listed above would be necessary to satisfactorily complete the visioning process in accordance with the work carried out to-date as a result of the evolving process guided by the Project Reference Group (PRG).

It is noted that drafting of the vision statements is an Additional Item given that the original brief detailed an overall vision, whereas the project has evolved with 5 place-based workshops, as a result of PRG discussions, requiring significantly more time and resources.

The Community Visioning Taskforce's role in terms of the remainder of the project will be to formulate the overall vision and vision statements from the data collected throughout the process. To-date, the CVT has been responsible for determining the 8 vision focus areas of the project of which each workshop has concentrated on. The next stage of the process for the CVT is to ensure that the ideas, values and statements collected in each workshop, survey analysis and comment source is reflected in the overall vision and vision statements. This process will require facilitation and discussion of the information collected with a view to achieving a vision representative of the community.

In the event that the '*workshops and walks of interest will be finalised on 4 December 2004 and it is expected that a final report will be available from February 2005*', the CVT will not play a role after the completion of the workshops and walks of interest. If the CVT is not retained to complete the process, the integrity of the initial contact and on-going project work with them and the finished project could be jeopardized.

BACKGROUND:

- | | |
|----------------------------------|--|
| 27 May 2003 | The Council at its Ordinary Meeting, inter alia, resolved to allocate \$40,000 in the 2003/4 Draft Budget for the purposes of 'Community Visioning'. |
| 24 September 2003 | A presentation to the Elected Members on Community Visioning was given by Futurist and Planner Steven Ames. |
| 7 October 2003 | A Notice of Motion was passed by the Council relating to Community Visioning and authorising the CEO to invite representatives of the Hon. Minister for Planning and Infrastructure and the Department of Planning and Infrastructure to give a public presentation. |
| 16 December 2003 | The Council at its Ordinary Meeting endorsed the Project Brief relating to Community Visioning and authorised the Chief Executive Officer to call tenders for the delivery of a Community Visioning project. |
| 24 February 2004 | The Council at its Ordinary Meeting accepted the Tender submitted by Community Perspectives for the design, preparation and carrying out of a Community Visioning process. |
| 13 April 2004 | IT Consultants, ITworkx were selected for the development of a linked web page for the Community Visioning process. |
| 14 April 2004 | The temporary webpage ' <i>vincentvision2024.com.au</i> ' went live on the Internet.

A logo for the project was selected after quotes for same were sought and a graphic designer was appointed to design a logo. |
| 24 April 2004 &
27 April 2004 | Advertisement placed in the <i>Voice</i> and <i>Guardian</i> newspapers calling for Nominations for a Community Visioning Taskforce - closing date 7 May 2004. |

- 17 May 2004 A memorandum was sent to Elected Members advising of the formation of a Community Visioning Project Reference Group, which would meet monthly throughout the term of the project. The Group comprises Elected Members, the Executive Management Team, the Project Consultant, Managers of Planning and Building Services and Community Development, a representative from the Department for Planning and Infrastructure, and the Project Manager.
- 27 May 2004 First meeting of the Community Visioning Taskforce.
- 28 May 2004 A youth survey was carried out at the HQ Skate Park in Leederville. This involved some basic training for 4 young people who were well respected by their peers who then interviewed some 70 youth attending the 'Battle of the Bands' competition.
- June 2004 A Business Survey was undertaken and involved interviews of businesses in each of the key commercial areas. Posters advertising the project and the launch workshop were also given to each business at the same time. Approximately 50 businesses were interviewed.
- 17 June 2004 Community Visioning T-shirts were printed to promote the project.
- 3 July 2004 The Community Visioning Project was launched at an all-day workshop attended by over 100 people at the Town's Administration and Civic Centre.
- 20 July 2004 Attendance by the Project Manager and Consultant at school holiday program activities run by the Town.
- 10 August 2004 The dates and details of the 5 Town Centre Workshops were decided.
- August/Sept 2004 Silent Voices focus groups and interviews were undertaken and targeted the various ethnic groups and organisations, seniors, people with disabilities and indigenous organisations.

DETAILS:

Structure and Evolution of the Community Visioning Project

At the commencement of the project an outline of the form and activities of the project within the realm of the budget allocation was submitted to the Town. As the project has evolved however, there have been a number of associated expenditure items and modifications to the original project, which have significantly affected the overall cost.

Overview of Changes to the Project

The Project Consultant, Liz Vlok of Community Perspectives, has provided the following overview of the changes to the project, which have resulted in an increase in fees and costs.

Demographic Profile

The original budget allowed \$2,960 for a demographic profile, which was based on covering key demographic characteristics for the Town of Vincent as a whole. With the Project Reference Group decision to include suburb level profiles, this has involved producing an additional 21 tables for each of the 7 suburbs and the suburb level analysis. This incurred an additional cost of \$2,480.

Community Survey

The original estimate for the community survey was \$3,400, which was based on 8-10 closed-ended questions for Town of Vincent as a whole. As with all companies undertaking telephone survey work, quotes are based on the actual questionnaire once it is developed as the number and complexity of questions dictates how much time will be required to undertake each interview and hence the cost involved. Advantage's quote came in higher than the Town's initial estimate.

An additional factor that increased the cost of the survey was going "suburb specific", which meant that rather than drawing a representation sample for Vincent as a whole, this was done for each suburb. This required undertaking a larger number of interviews and hence an additional cost to Advantage of \$2,885 above the original estimate of \$3,400. Using open-ended questions also involves more time than close-ended questions; the Town used 4 open-ended questions in this survey. Given Advantage received such a wide variety of responses to these questions, which is evidenced in their report, further coding and analysis of responses was required to achieve a concise result to each of these questions. Consequently, this work was undertaken by Liz Vlok rather than Advantage, as this was the most cost-effective option, which incurred an additional cost of \$1,000.

Project Reference Group (PRG) and Community Visioning Taskforce (CVT) Meetings

The original budget did not allow for PRG and CVT meetings. However, shortly after commencement, the project structure changed to include these meetings. This information was included in Progress Report No.1 considered at the Ordinary Meeting of Council held on 27 April 2004 (Item IB04). The cost to date of these meetings is \$2,565.

Budget Re-allocation

Currently, there are insufficient funds remaining to complete the project. It is considered appropriate that an amount of only \$19,485 be reallocated in order that committed events can be completed. These costs are as follows:

Incurred Expenditure

Community Visioning Road Signs	\$2,068
Development of a Web Site	\$5,030
Flyer Distribution	\$530
T Shirts	\$2,400
Promotional Materials	<u>\$1,767</u>
Total	\$11,795

Committed Expenditure

Graphic Design costs	\$700
Newspaper Advertisements	\$1,000
Hall Hire	\$110
Catering (2 workshops)	\$600
Primary School Project	\$3,000
Consultant's Fees	\$2,280
Total	\$7,690

Total Additional Expenditure**\$19,485**

The workshops and walks of interest will be finalised on 4 December 2004 and it is expected that a final report will be available from February 2005. In light of the above, and the urgent need to commence the review of Town Planning Scheme No.1, it is considered appropriate that the Community Visioning Project and its final report be completed by the end of February 2005.

The implications of the above in relation to the contract with the Consultant is required to be further investigated.

The additional funds required will be funded from adjustments and savings to the projects listed in the Table below.

Possible Future Scope of Work

To complete the project in accordance with the suggestions of the Project Reference Group and an amended timeline to May 2005, would require an additional \$33,295 (including the above incurred expenditure of \$11,295). Such an increase is largely due to the increased scope of the project, which has come about via the 5 place-based workshops and walks of interest, substantial changes to the Consultant's original brief, promotion and advertising costs of the project, the development of a web-site to inform the community of the project and associated venue and catering costs which have resulted. In addition, increased costs have also been attributed to requests from the Project Reference Group in regard to the demographic profile, the telephone survey and accessing groups within the community. It is noted that a Project Reference Group suggestion to hold 5 business breakfast forums has not been included in these calculations and will not be scheduled as part of the project.

At the Project Reference Group Meeting held on 7 October 2004, the Executive Manager Environmental and Development Services advised the members of the Group that it had come to his attention the initiatives relating to demographic information, additional incurred costs and requests were outside of the original budget allocation of the project, and had not been authorised by the Council.

Workshops and Walks of Interest Attendance

Town Centre	Walk of Interest	Placecheck/Workshop
Leederville	30 (incl 3 Elected Members)	18 (incl 4 Elected Members)
Mount Hawthorn	30 (incl. 3 Elected Members)	24 (incl 2 Elected Members)
Brisbane/William Street	38 (incl 1 Elected Member)	36 (incl 2 Elected Members)
North Perth	23 (incl 2 Elected Members)	

Dialogue with the City - Communities Program

A funding grant application of \$40,000 to the Department for Planning and Infrastructure (DPI) via its Dialogue with the City Program has not been decided, however the DPI has advised that this will be determined in mid December and successful applications will be funded prior to the end of the 2004. Regular telephone contact is being maintained with the DPI.

LEGAL/POLICY:

There is a legal requirement for the Town to commence a review of its Town Planning Scheme No.1 and bring this to completion as soon as practicable.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 – Key Result Area One: Environment and Infrastructure.

"1.3 Develop, implement and promote sustainable urban design..."

FINANCIAL IMPLICATIONS:

The current 2004/2005 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies, and \$22,800 for a Community Visioning process.

As a means of funding the remainder of the project, a review of monies along with an estimate of project completions has been carried out with the following re-allocations suggested.

Project Description	Re-allocation	Status of Project	Current Budget Amount	Proposed Revised Budget Amount
<i>Strategic Planning and Heritage Publicity and Promotions</i> Acc 52828.5682.52	\$6,000 to Community Visioning	It is considered that use of these funds is within the realm of the intended purpose for these monies.	\$10,000	\$4,000
<i>Car Park Strategy Implementation</i> Yr 1 of 5 Account 52828.5690.52	\$1685 to Community Visioning	It is considered that the following aspects /tasks of the implementation strategy will be sufficiently produced 'in house' by the Town's Strategic Planning Officers. Those being: 1. Task 10: Prepare and implement design guidelines for Multi-Storey Car Parks. Releasing \$5000 2.Task 2: Advertise location of Town's car parks via the Town's website. Releasing \$2000 3.Advertise location of Town's Car Park via Town's Newsletter. Releasing \$1000 4.Task 23: Prepare and implement a study on major pedestrian routes. Releasing \$3000	\$17,000	\$15,315
<i>Leederville Masterplan Account</i> 52828.5698.52	\$11,800 to Community Visioning	Implementation of aspects of the Leederville Masterplan may be funded via the Oxford Centre Study Implementation (Account 52828.5692.52) which lists \$25,000	\$50,000	\$38,200

There will be no financial impact on the Town's 2004/2005 Annual Budget.

COMMENTS:

It is considered that the Community Visioning Project can be satisfactorily completed by February 2005. The project was initially due to be completed in December 2004, however the additional work already carried out has caused a delay (including the Festive Season holidays and consultants' annual leave) until February 2005. The additional scope of works, as suggested by the Project Reference Group, as detailed in this report and estimated to cost an additional \$13,920, cannot be supported due to funding constraints. Furthermore, this suggested additional scope of work is estimated to further delay the project to May 2005.

Work on the review of the Town of Vincent Town Planning Scheme No. 1 and associated policies cannot commence until the Community Visioning process has been completed. This work is considered to be of a higher priority and there is a concern that any further delay in this work being commenced will have significant ramifications on the development and the approval process of the Town.

10.2.2 Progress Report No 1 - Investigation of Possible Mall Concepts and Wider Streets for Alfresco Dining for Oxford and Newcastle Streets, Leederville and Multi-Level Carparks

Ward:	South	Date:	17 November 2004
Precinct:	Oxford Centre; P4	File Ref:	PLA0147
Attachments:	-		
Reporting Officer(s):	R Lotznicher, H Coulter, D Abel		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No 1 on Investigation of Possible Mall Concepts and Wider Streets for Alfresco Dining for Oxford and Newcastle Streets, Leederville and Multi-Level Carparks;*
- (ii) *NOTES the information provided by the Leederville Master Plan Consultants; and*
- (iii) *NOTES that the Oxford Mall Working Group will meet again once the Leederville Masterplan has been adopted.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

The Council, at its Ordinary Meeting held on 8 June 2004, adopted the following resolution:

"That the Council;

- (i) *AUTHORISES the Chief Executive Officer, in liaison with the Consultants appointed for the Leederville Master Plan Study, to investigate and prepare concept options for:*
 - (a) *the re-configuration of Oxford Street (between Vincent Street and Leederville Parade) and Newcastle Street (up to Carr Street) with a view of creating a pedestrian mall;*
 - (b) *the creation of wider streets for alfresco dining in the area; and*
 - (c) *the creation of multi-level carparks in the area;*

- (ii) *CONSULTS with the various stakeholders including but not limited to the Main Roads WA, The Public Transport Authority, the Western Australian Planning Commission, local business proprietors, land owners, residents, the Leederville Action Group, users and visitors and any other interested party regarding the concept options; and*
- (iii) *REQUESTS that a report be presented to the Council by November 2004 detailing the following;*
 - (a) *the various concept options for a mall, including full or part malls, permanent or temporary malls, the wider streets and the multi-level carparks and variations to each option;*
 - (b) *advantages and disadvantages for each concept option;*
 - (c) *the impact of each concept on the traffic flow, parking, infrastructure and the amenity of the area;*
 - (d) *the potential impact of each concept on the various businesses in the area;*
 - (e) *the results of community consultation with the various stakeholders regarding the proposal including but not limited to the Main Roads WA, The Public Transport Authority, local businesses, the Leederville Precinct Group and any other affected party;*
 - (f) *the estimated costs of implementing the various options;*
 - (g) *the availability of any grants and alternative funding options; and*
 - (h) *an indicative implementation time table for the various options."*

DETAILS:

Working Group Meeting No. 1

In accordance with the Council's decision, an in-house "Oxford Mall" Working Group was established. The group's inaugural Meeting was held on Monday 21 June 2004. The group comprised officers from the three divisions.

Working Group Meeting No 2

The second "Oxford Mall" Working Group took place on 12 July 2004. This meeting was also attended by the Leederville Masterplan consultants, Phil Griffiths and Chris Antill.

The Consultants were provided with an overview and advised of the Council's expectations, i.e. to set up an in-house Working Group to examine Oxford Street and part of Newcastle Street in terms of creating either a mall, embayed parking to accommodate alfresco dining and a possible multi-storey car park in the area.

They were also advised of the importance of the Oxford Centre Study recommendations and the involvement of a number of stakeholders would be required including Main Roads, the Public Transport Authority, WAPC, local businesses, landowners and residents, Leederville Action Group and other interested parties. The advantages and disadvantages of the options developed by the Working Group would then need to be considered.

Finally the Consultants were advised that implementation costs, funding sources eg contributions, grants and implementation timetable would need to be determined with the presentation of a report or progress report to Council in November 2004.

Discussion

Five (draft) options were displayed and each option was discussed in detail. It was explained that there were funds on the current budget to implement some works in the area including the Water Corporation Reserve upgrade and The Avenue Carpark Upgrade, however, the Town was waiting on the outcome of the adjoining proposed development.

It was further advised the Oxford Street Reserve had also been redeveloped and a new landscaped roundabout had been installed at the intersection of Leederville Parade and Oxford Street during the previous financial year.

The Consultants advised they had been attending the Community Visioning workshops and were making notes at this stage. They were very reluctant to divulge any information with regards the Leederville Masterplan until that process had been finalised.

The Consultants advised that the significant work over a long period, such as trees and undergrounding of power, which the former City of Perth carried out in 1980s should be acknowledged. They suggested looking at the problems first. It was suggested the infrastructure was in need of rehabilitation and some of the vegetation required improvement. It was acknowledged that although blocking off traffic flows could 'kill' the centre, any improvement works had been placed on hold pending the Leederville Master Plan recommendations.

It was considered that as Oxford Street was a two lane divided road with parking each side, it lends itself to embayed parking and possibly widening the footpaths to accommodate alfresco dining. The Consultants advised of a previous debate wherein the traders were strongly in favour of trees in the middle of the road because they would not take away parking bays and in turn slow the traffic.

It was considered that should the Council still require the Working Group to pursue the matter, the Council should be mindful that the Leederville Masterplan development is not prejudiced.

The Consultants stated the Leederville Masterplan is dependant on the outcome of the Community Visioning.

It was further indicated that none of the programs can run independently as they are all inter-related including:

- The review of the Town Planning Scheme
- The Community Visioning project
- The Leederville Masterplan
- The Oxford Malls resolution
- Economic Development Strategy.

The Working Group discussed malls in Fremantle and Perth and it was indicated that several Councils have toyed with the idea of malls but had not gone ahead due to the lack of interest by local traders. It was considered that 'space' had to be flexible to suit changing business requirements.

The consultants suggested there was benefit in redesigning the street but retaining traffic, however, suggested waiting for the Visioning Process outcome.

It was considered the primary focus was between Newcastle and Vincent Streets and the intersection with Newcastle Street through to Carr Place. There is a lot of development proceeding elsewhere in the Oxford Centre, such as high density residential and commercial development moving further northwards along Oxford Street from Vincent Street, and to the east along the northern side of Newcastle Street between Carr and Loftus Streets.

The new DSR building (currently under construction) located eastwards from the intersection of Oxford Street along Vincent Street will soon bring a further 105 permanent workers into the area. The proposed Leederville Oval public open space (POS) development will contribute to the vibrancy of the area.

At the launch of the Community Visioning it was suggested that with the extension of the Mandurah railway line, the Leederville train station would draw more people to the Oxford Centre.

Points Raised

- Frustrations with regard to the infrastructure decline, eg roads, paving.
- Mall/s, may exclude traffic and buses going through.
- There have been no thoughts as yet on paving materials.
- Cost implications will need considering.
- General discussions with Theo Kailis (Kalis Bros) on the future development of this site. It was agreed this site is currently underdeveloped.
- Development of the Water Corporation Reserve would improve the area.
- Additional parking through multi-level car park or review of the parking restrictions.
- Alfresco dining applications received are mainly between Newcastle and Vincent Streets.
- Night time eating house activities are further limited with the development at the southern end of Oxford Street on the eastern side where there is car parking in front, and apart from people just walking from the Frame Court car park there is little general attraction to that area.
- Oxford Centre study had recommended London Plane Trees down the centre of Oxford Street, however, comments received indicate that the existing trees (Spotted Gums) provide a significant feature and there would be quite a bit of resistance to removing them.
- 'Malls' concept provides more scope for planting but at the moment it is limited with the awnings down both sides of the street. There is scope to enhance the existing vegetation. Limited works have been carried out given that there were recommendations put forward in the Oxford Street Study.

- The existing Spotted gums (in Oxford Street) are of an age that they are considered a significant investment.
- There is insufficient parking during the day, but this varies at night depending on the trade. The multi-storey car park concept has been about for some time
- Suggested more appropriate lighting on a lower scale.
- Security - WA Government has money on budget for this financial year (2004/2005) to build a new police station in Leederville.
- The Newcastle Street (Loftus to Carr Place) concept was prepared with two options, possible embayed parking, vegetation, lighting, ticket issuing machines and treated more as a 'gateway' into the area. Unfortunately there is not enough money on budget (2004/2005) to implement.
- There is a need for something to be done on the southern side of Vincent Street between Oxford and Loftus Streets. Currently it is residential but there is good potential for mixed commercial/residential development. Town of Vincent owns one vacant lot and house on the southern side opposite Leederville Oval.
- There is money on budget (2004/2005) to develop POS around Leederville Oval. Part of the proposal to develop the Football Centre of Excellence was to have POS. There will be a pedestrian link past the DSR building along Vincent Street through the POS linking to the Town of Vincent Administration Centre and to Keith Frame Reserve. The Manager Parks Services is looking at a native planting theme for the POS. A Concept Plan is being prepared.
- There are some negotiations with business owners along Newcastle and Carr Streets for undergrounding of power up to the Leederville Hotel. There are a considerable number of eating houses at this time, but suggested looking at a mixture of uses in the future. Also, there is quite a lot of vacant land for low intensive developments. Connectivity is required to link Oxford/Vincent/ Newcastle Streets. There is currently a push, via Network City, to promote activity centres throughout the Perth Metropolitan area and Leederville could be one of the centres that need to be recognised. Funding Grants are currently being sought.
- Changes to Leederville happened when the freeway was constructed. Now it is time to refresh the area with kerb-lines, new surface material and lighting.
- Consideration is required also for Leederville Hotel car park, which is up for sale. This is an underdeveloped and unattractive area.

Working Group Suggestion

It was suggested the Working Group hold off on the Oxford Malls and associated Council decisions and that these be considered as part of the Leederville Masterplan, which in turn will be influenced by the Community Visioning project.

Working Group Meeting No 3

The third "Oxford Mall" Working Group meeting took place on 9 November 2004. The Group was advised that a Community Visioning Workshop was held on 18 September 2004 and the various options were presented to the public for comment. (A draft report has been prepared - refer below.) It was advised the Consultants are due to submit a progress report in mid-November 2004.

Progress on the various matters as per the Council's decision are as follows:

Existing Planning Studies / Issues:

In a progress report dated 22 October 2004, the Leederville Masterplan Consultants have advised the following in regard to the project:

We are working fairly intensively on the master plan now. We have completed a draft report for circulating within the consultant team, including recommendations. We are busily working away on plans and sketches and the like. We are also undertaking a review and will soon provide some advice on implementation. As I mentioned to the malls group, a draft will be with you in December. I am hoping to have it to you by the first week of December so that a comment period can follow.

The Master Plan builds on the positive achievements of the Oxford Centre Study 2000, responds to developments that have occurred in the past four years, deals with a number of issues that have arisen that will change the recommendations of the OCS 2000, and also updates some recommendations that arise from emerging opportunities. Some of these have emerged from Council's thinking (e.g. Leederville Parade site) and Community Visioning (Freeway/Oxford Street and Park interface). The recommendations are an evolution of the OCS 2000 study and not a revolution.

In terms of public consultation, We think that it has been done to death in many ways over the last four years. The Oxford Centre Study 2000 consulted widely, the Community Visioning provided yet another layer, and your own exhaustive efforts to engage the community through advertising and door knocking have achieved good results.

In our view the public is probably all consulted out. However, the community does need to be given the opportunity to see the adjusted vision for the study area. We believe that the best method of consultation at this stage is to let the stakeholders and community know that a draft master plan has been received and will be reviewed by Council. The notification could invite stakeholders to view the document in the library and to provide comments on a pre-printed form within a specified timeframe.

With respect to the mall options, we can report back that the Community Visioning Workshop considered all options and these options will be reproduced in the master plan. Our recommendation will reflect the workshop's view that a more flexible approach be adopted. We will provide a suggested design that allows for parts or all of Oxford Street to be malled for specific occasions. It will also allow for parking and pavement alfresco dining to be responsive to demand. In other words the margins between the carriageway and footpath zone currently used for kerbside parking will be capable of being used for either. Thus if a café closes and another business type opens in its place, the alfresco dining can revert to kerbside parking and vice versa. The whole street might be close for a street market periodically and it would be come a pleasant pedestrian environment.

Implementation Time Table:

This will depend on the Leederville Master Plan and when those recommendations are to be implemented. General upgrade work is required in the area but it was considered there was no point proceeding if the footpaths, etc. were going to be changed. The Leederville Masterplan consultants have further advised:

"Now that Community Visioning is progressing and the Oxford Centre workshop is complete, we are able to undertake the required work. We are endeavoring to have a draft masterplan to you in December 2004. We will complete the final version of the master plan within three weeks of receiving review comments....To date we have attended start up meeting, attended a Community Visioning Taskforce launch on 3 July 2004 and follow up meeting on 12 July with the Oxford Malls Working Group to discuss alternatives and outcomes. We also met on 18 August 2004 to discuss the Leederville parade land in particular, then Placecheck and Community visioning workshop on 18 September 2004. It should be noted that much of this work is outside our brief and additional to it. However, there should be some mitigation of this endeavour with a reduced requirement for separate consultation as a result of Community visioning.

Current activities in progress include the preparation of the draft report and drawings. The draft report is drawing together three strands for all the subject areas at present. Under each heading we are summarising in words and maps the existing conditions, matters that arose from Placecheck, and the results of Community visioning. This range of tasks is about two weeks out from completion.

Base modelling is quite advanced and when the last drawings are received from the Town will be completed in a short timeframe....The model has the benefit of producing any number of still images to illustrate concepts and has the capacity for us to insert proposals, say an intended development, which would allow the impact to be assessed from multiple angle. ... The next range of tasks includes evaluating all of the base information and drawing some conclusions and recommendations, then feeding them through the master planning process."

Stake Holder Involvement / Assessment:

Members felt there was no need to contact the various stakeholders until there was a clearer idea of where the proposal was going. The State Government's "Dialogue with the City" Communities Program of funding grants was commenced in May 2004. An application for funding for the Community Visioning Project was submitted in July 2004 and to date, successful funding grants have not been decided. Round 2 of the program targets area strategies, urban design projects and capital works, of which the Leederville Masterplan would fall within. Round 2 has not commenced, however, advice from the Department for Planning and Infrastructure is that this would be likely to occur in March 2005. It was indicated that other grants can be applied for from the Safer Community Program.

Given the lack of participation by business owners at the Leederville/Oxford, Mount Hawthorn and Brisbane/William Streets workshops in Community Visioning process, it is intended that breakfast meetings will be held with business owners from February 2005 to ensure effective representation of these groups in the Visioning process. With regard to the Leederville/Oxford Centre, it is acknowledged that a Masterplan will already be in draft form at this time, however, consultation as part of the planning will be carried out by the Consultants undertaking this project.

The Group discussed whether the Leederville Masterplan will supersede the Oxford Centre Study when adopted and it was considered that this is likely.

CONSULTATION/ADVERTISING:

N/A

LEGAL AND POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2002-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "a) *Continue to develop and implement streetscape enhancements.*" and 3.3 Develop partnerships and alliances with key stakeholders. " b) *Encourage local businesses to contribute to the local community.*"

FINANCIAL/BUDGET IMPLICATIONS:

Funds for the Leederville Masterplan Study are allocated in the 2004/05 budget.

COMMENTS:

In light of the above, it is considered most appropriate that further investigations regarding possible mall concepts and wider streets for alfresco dining for Oxford and Newcastle Streets, Leederville and multi-level car parks, be deferred until after the Leederville Masterplan has been adopted.

Mayor Catania advised that Cr Ker had declared a proximity interest in this Item. Cr Ker departed the Chamber at 10.00pm and did not speak or vote on the matter.

10.2.4 Creation of Additional Time Restricted Parking Spaces in Carr Place and Newcastle Street, Leederville

Ward:	South Ward	Date:	15 March 2004
Precinct:	Oxford Centre P4	File Ref:	PKG0012
Attachments:	001;		
Reporting Officer(s):	Anne Munyard		
Checked/Endorsed by:	Rick Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the introduction of additional time restricted parking places in Carr Place and Newcastle Street, Leederville, as shown on attached Plan No. 2310-PP.1;*
- (ii) *APPROVES the introduction of a thirty (30) minute time restriction between 8.00am and 5.30pm Monday to Friday and 8.00am and 12noon Saturdays to the two (2) additional spaces on the South side of Carr Place, and a one (1) hour restriction between 8.00am and 5.30pm Monday to Friday and 8.00am to 12noon Saturday to the three (3) additional spaces on the north side of Newcastle Street; and*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Torre, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology for the meeting. Cr Ker was absent from the Chamber and did not vote.)

Cr Ker returned to the Chamber at 10.01pm. Mayor Catania advised Cr Ker that the Item was carried.

The Chief Executive Officer advised the Presiding Member that as it had reached 10.00pm and there was a further five Items to be considered, an extension of time would be required.

At 10.01pm **Moved Cr Chester, Seconded Cr Lake**

That the meeting be extended for a further fifteen (15) minutes.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

The recent redevelopment of several properties near the intersection of Carr Place and Newcastle Street have both generated a need and provided an opportunity to introduce additional parking in the adjacent streets.

DETAILS:

The redevelopment of the former service station site at the intersection of Carr Place and Newcastle Street into a café/bar and office premises has eliminated large areas of vehicle crossover which previously precluded kerbside parking. Additionally, the redevelopment has increased the demand for patron and client parking in the vicinity.

The site has been inspected and measured and an additional two (2) parking spaces can now be accommodated in Carr Place, outside the new café/bar, and an additional three (3) spaces adjacent to the Newcastle Street frontage of the same premises.

It is proposed that the two (2) spaces in Carr Place be time restricted to thirty (30) minutes during normal business hours, to accommodate the requirements of the café itself and the take away lunch and juice bar recently established in this end of Carr Place. A one (1) hour restriction during normal business hours is proposed for the three (3) new spaces in Newcastle Street, in line with the adjacent existing restrictions.

CONSULTATION/ADVERTISING:

The introduction of the additional parking has been prompted by inquiries from the newly established businesses for more short term parking to be made available, and is welcomed by them. No further consultation is necessary.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of restriction signs and road line marking would be approximately \$300.00.

COMMENTS:

The Town endeavours to provide as much parking as possible to assist businesses and residents alike. The redevelopment of this particular site has provided the opportunity to extend parking in Carr Place and Newcastle Street. The Manager for Law and Order Services supports the creation of the additional parking places.

10.2.5 Establishment of the Town of Vincent Hyde Park Lakes Restoration Working Group

Ward:	South	Date:	8 November 2004
Precinct:	Hyde Park P12	File Ref:	RES 0042
Attachments:	001		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the establishment of the Town of Vincent Hyde Park Lakes Restoration Working Group;*
- (ii) *APPROVES the Terms of reference for the Town of Vincent Hyde Park Lakes Restoration Working Group as attached in Appendix 10.2.5;*
- (iii) *APPROVES the following structure of the Hyde Park Lakes Restoration Working Group:*
 - (a) *Two (2) Elected Members - Mayor (Chair)
- 1 Councillor*
 - (b) *Executive Manager Technical Services*
 - (c) *Manager Parks Services*
 - (d) *Heritage Officer*
 - (e) *One (1) Claisebrook Catchment Group representative*
 - (f) *One (1) Community representative with specialist knowledge of environmental matters*
 - (g) *One (1) nominated Environmental consultant;*
- (iv) *NOMINATES one (1) Councillor, Cr, to the Hyde Park Lakes Restoration Working Group; and*
- (v) *RECEIVES a further report once the Group has met and established a way forward.*

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Doran-Wu

That clauses (iii)(a) and (iv) be amended as follows:

*"(iii)(a) ~~Two (2)~~ Three (3) Elected Members - Mayor (Chair)
- 2 Councillors*

*(iv) NOMINATES one (1) two (2) Councillors, Crs and
....., to the Hyde Park Lakes Restoration Working Group; and"*

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

The Presiding Member called for nominations.

Crs Ker and Lake nominated.

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.2.5

That the Council;

- (i) **RECEIVES** the report in relation to the establishment of the Town of Vincent Hyde Park Lakes Restoration Working Group;*
- (ii) **APPROVES** the Terms of reference for the Town of Vincent Hyde Park Lakes Restoration Working Group as attached in Appendix 10.2.5;*
- (iii) **APPROVES** the following structure of the Hyde Park Lakes Restoration Working Group:*
 - (a) **Three (3) Elected Members - Mayor (Chair)**
- 2 Councillors*
 - (b) **Executive Manager Technical Services***
 - (c) **Manager Parks Services***
 - (d) **Heritage Officer***
 - (e) **One (1) Claisebrook Catchment Group representative***
 - (f) **One (1) Community representative with specialist knowledge of environmental matters***
 - (g) **One (1) nominated Environmental consultant;***

- (iv) *NOMINATES two (2) Councillors, Crs Ker and Lake, to the Hyde Park Lakes Restoration Working Group; and*
- (v) *RECEIVES a further report once the Group has met and established a way forward.*
-

BACKGROUND:

The Hyde Park Lakes form the central feature of Hyde Park, a 'European- style' park originally referred to as Third Swamp Reserve. In the 1930s, this former wetland area was modified with the construction of stone retaining walls to form man made lakes.

Today very few native trees remain in the park including the immediate lakes surrounds, which are planted with numerous species of exotic trees, many of them deciduous.

The lakes serve three (3) main functions:

- Focal point of the park
- Habitat for waterbirds and aquatic animals
- Compensating basin for urban stormwater

During the late 1980s and early 1990s there was a significant level of public concern in relation to the condition of the lakes mainly due to the many waterbird deaths that had occurred and the presence of algal blooms. In 1991 Dames & Moore were commissioned by the former City of Perth to carry out a study and make recommendations to improve the lakes at Hyde Park.

One of the Dames & Moore recommendations was to increase the depth of the lakes by removing accumulated sediment. This work was subsequently undertaken on the western lake in 1993, at a significant cost. Prior to the deepening of the western lake it was also recommended that geotechnical and hydrological investigations be carried out however, it cannot be confirmed as to whether this was ever undertaken. Following the deepening of the western lake, the island and causeway between the lakes started to subside and now both areas are subject to flooding or permanent water ponding.

In 1997, the Town commissioned Dames & Moore to investigate the causes of the above and to provide options for the deepening of the eastern lake. Whilst it was resolved that the island on the western lake remain in this natural (flooded) state after the exotic vegetation had been removed, no work was budgeted for in relation to the eastern lake island or repairs to the lake wall.

DETAILS:

Improvements

Various minor projects have been undertaken by the Town in attempt to improve the aesthetic quality of the lakes and water quality issues. These include: -

- Installation of a Continuous Deflective Separation (CDS) unit, which removes rubbish and silt before it enters the lake system.
- Installation of aerators
- Planting of native sedges and reeds and removal of up to 80% of exotic vegetation from the western lake island.

- Signage informing patrons regarding the affects of feeding waterfowl.

In addition the Town's Parks Services section is no longer applying lawn fertiliser to Hyde Park in an effort to reduce nutrients entering the lake water via runoff.

However, the above projects are considered “band-aid” solutions and whilst the deepening of the western lake occurred at a significant cost, the problems with both lakes at Hyde Park have continued to worsen to a critical level.

Whilst botulism (bacterial poisoning of waterfowl) has not occurred to the levels experienced in 1994, various nasty forms of algae have been identified within the water. Another problem that has come to the attention of the community over the last few years’ is the dropping of the lake water levels. This is as a result of declining rainfall in Western Australia since 1975.

Discussion

Community concern in relation to the water quality and condition of the Hyde Park lakes has again been mounting, particularly with the significant drop in the lakes water levels and the ever-present algal blooms.

The declining lake water level is due to what would be considered a relatively small but significant drop in the water table in terms of the Hyde Park lakes. Continual recharging (bore water) is now undertaken throughout the year in an effort to keep water in the lakes. During 2003, water levels in the eastern lake were critical and the stench from the rotting vegetation disturbing for the many regular users.

The Mayor inspected the lakes with staff in 2003 and indicated that funding would be allocated by the Town to assist in restoring the lakes. The general consensus of the community seems to be that the lakes should not be allowed to dry out in summer and should this be the case, a significant amount of money would be required to resolve the problems.

Funding from other government sectors would have to be investigated together with the various grant-funding options available for works of this nature.

The Towns officers have met with an Environmental Consultant, members of the Claisebrook Catchment Group and representatives of the Aquatic Sciences Branch of Water & Rivers Commission in an attempt to resolve the current situation.

Several short-term solutions have been identified including the installation of sonic algae killers and the use of Phoslock, a material that binds the phosphorous in clay.

In addition, specific water and sediment sampling is being undertaken every quarter following recommendations from Water & Rivers officers. Having experienced similar issues with the Swan and Canning rivers their advice has been invaluable and appreciated.

Proposed Working Group

However, in view of the ongoing issues and the significant cost implications to the Town for both short and long-term solutions, it is recommended that a working group be formed to investigate and make recommendations to the Council.

It is imperative that a solution to the lake water quality issues at Hyde Park be carefully investigated, costed and planned to ensure that money is not wasted and patrons can continue to enjoy the park, lake and tranquil surrounds.

CONSULTATION/ADVERTISING:

Due to the exposure that the park receives via its heavy recreational use, it is likely that the Town will provide regular updates in the local newspapers advising the wider community of progress and any major works recommended and being undertaken.

Community consultation will be undertaken prior to any recommendations being implemented.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2003-2008 – 1.1 Protect and enhance the environment and biodiversity.

"e) Improved natural habitat and increased biodiversity in parks, reserves, wetlands and river foreshore;" and

"k) Public awareness through education programs on environmental issues."

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$90,000 has been included in the 2004/05 Capital works budget to progress works associated with the restoration of the lakes at Hyde Park.

A considerable amount of money has been spent over the years by both the former City of Perth and the Town in undertaking works to improve the aesthetic quality of the lakes and water quality. The former City of Perth deepened the western lake in 1993 at a cost in excess of \$250,000 and the Town has spent tens of thousands of dollars on various 'band-aid' solutions, however the problems with the lakes remain.

COMMENTS:

During recent consultation in relation to the installation of the Liberty swing and construction of the new stage at Hyde Park, numerous residents declined to comment, however felt compelled to respond to the Town regarding the condition of the lakes and that funding should allocated to this purpose as a matter of priority.

Many solutions and ideas were forthcoming, however it was clearly evident that the local residents were concerned and strongly urged the Council to canvass the community as to what they wanted with respect to the lakes and where future funding for upgrades of Hyde Park would be allocated.

It is therefore recommended that the Council adopts the Officers' recommendation, as presented, to establish a Hyde Park Working Group.

10.2.6 Les Lilleyman Reserve - Playground Upgrade

Ward:	North	Date:	8 November 2004
Precinct:	North Perth P8	File Ref:	RES 0019
Attachments:	001;		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the upgrade of the playground area at Les Lilleyman Reserve;*
- (ii) *APPROVES the installation of "pool-type" fencing around the playground area as shown on attached Plan No. 2305-CP-1A;*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$8,500 for the installation of fencing as listed in clause (ii) above from the "Eton Street Roadworks Improvements account; and*
- (iv) *LISTS an amount of \$30,200 for consideration in the 2005/06 draft capital works budget for the installation of a shade sail over the playground area and installation of an electric barbeque at Les Lilleyman Reserve.*

COUNCIL DECISION ITEM 10.2.6

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

A letter was received in April 2003 from the North Perth Precinct Group Inc. requesting that the playground area at Les Lilleyman Reserve be upgraded due to the equipment showing signs of deterioration and expressing concerns that the sand pit was being contaminated from time to time with dog faeces and broken glass. Local residents were impressed with recent upgrades of playground areas at Edinboro Street Reserve and Braithwaite Park and therefore requested that rubber softfall be installed.

The precinct group was subsequently advised that Les Lilleyman Reserve was listed in the Town's playground upgrade program for the 2004/05 financial year and that \$35,000.00 was included in the draft capital works budget to provide upgraded equipment and installation of rubber softfall.

This project was approved by the Council as part of the 2004/05 capital works budget and listed in the capital works program for commencement/completion during October/November 2004.

DETAILS:

Playground Upgrade

Several representatives from the North Perth Precinct Group subsequently met with the Manager Parks Services to progress the design of the new playground. Meetings have been held on site and the playground design has now been finalised. The playground upgrade is currently in progress.

A large portion of the existing combination playground unit is constructed from aluminium/stainless steel and has been totally refurbished and modified to comply with Australian Standards, similar to the playground equipment recently completed at Robertson Park. In addition, components have been added to provide a more interesting and challenging play structure.

The existing carousel (roundabout) was identified as a very popular item with local children and it was requested by the community representatives that this be retained. This will also be refurbished and will be located in a small sand pit within the overall playground.

Note: Carousels may be located on rubber softfall areas, however, the preference is to have them in a sand pit to reduce the risk of friction burns.

Other types of equipment currently being installed within the playground area as part of the upgrade includes a standard swing structure with infant seat, a scale swing for older children, spring rides and monkey bars.

Proposed Fencing:

In addition to the above works, the North Perth precinct representatives requested that the playground be fenced due to the sandpit being contaminated and the proximity of dogs "off leash" using the adjacent exercise area. This matter was raised with staff and Elected Members at a public meeting held at the park on Saturday 3 July 2004.

The proposed fenced area, as shown on the attached plan, includes the playground pit and an area of grass where park seats maybe installed to allow parents to sit and closely supervise their children, rather than be located outside the playground as is the case in other parks.

Given the likelihood of dogs and straying footballs entering the playground area, fencing is recommended and the proposal to include a section of grassed area has considerable merit.

The budget of \$35,000.00 for the upgrade of the playground at Les Lilleyman Reserve did not include an allowance for fencing, estimated to cost \$8,500.00

Proposed Future Improvements:

During the various site meetings that were held with representatives of the North Perth Precinct Group at Les Lilleyman Reserve, it was requested that consideration also be given to the installation of a shade sail over the playground and an electric barbeque adjacent to the playground area.

Whilst there have been trees (Tipuana) planted around the playground area that will provide shade in the forthcoming years, community representatives felt that they were taking too long to mature and provide useful shade cover.

The barbeque would be a useful addition to the area, providing the community with a meeting place, with the facilities to cook a meal whilst their children enjoy the playground.

CONSULTATION/ADVERTISING:

Consultation has been undertaken with the nominated members of the North Perth Precinct Group Inc. in designing the new playground area with equipment best suited to the needs of the local community.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "i) *Develop a program to make all playgrounds universally accessible.*"

FINANCIAL/BUDGET IMPLICATIONS:

A budget of \$35,000.00 has been allocated in the 2004/05 budget for the upgrade of the playground area at Les Lilleyman Reserve.

Estimated costs for completion of the works at Les Lilleyman Reserve, as listed in the Playground Upgrade Program adopted by the Council at its Ordinary Meeting held on the 27 March 2001 are as follows: -

• Playground Equipment Replacement/Refurbishment	\$15,000.00
• Installation of Rubber Softfall	\$18,000.00
• Replacement of existing Retaining Wall/Pit Surrounds	\$2,300.00
Total	\$35,300.00

The additional funding required to install a "pool-type" fence around the new playground is \$8,500.00. It is recommended that these funds be included in a budget review so the fencing can proceed this financial year.

No specific budget allocation was allowed in the original playground upgrade for Les Lilleyman Reserve (adopted by the Council) for the provision of shade sails or installation of electric barbeques. Estimated costs associated with these installations are as follow: -

• Shade Sails	\$22,000.00
• Electric BBQ	\$8,200.00
Total	\$30,200.00

COMMENTS:

It is therefore recommended, that the Council approves the installation of playground fencing as shown on the attached plan and lists for consideration an amount of \$30,200.00 in the 2005/06 budget for the installation of a shade sail and electric barbeque at Les Lilleyman Reserve.

10.3.9 Review of the 2004/2005 Annual Budget

Ward:	Both	Date:	15 November 2004
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:

Item	Amount Required	Funding Source	Amount	Net Impact
Loton Park	24,000	Vincent Streetscape Improvements	24,000	0
Fitzgerald Street Improvements	94,500	Mt Hawthorn Business Precinct Upgrade (OMC 8 June 2004)	94,500	0
Les Lilleyman Reserve Playground Fencing	8,500	Eton Street Roadwork Improvements	8,500	0

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Torre

That a new Item be added to the table of adjustments as follows:

<u>"Beatty Park Conservation Plan Part 1</u>	<u>4,000</u>	<u>Car Park Strategy Implementation Yr 1 of 5</u>	<u>4,000</u>	<u>0"</u>
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AMENDMENT CARRIED (8-0)

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

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.3.9

That the Council APPROVES BY ABSOLUTE MAJORITY the following adjustments to the 2004/2005 Annual Budget:

Item	Amount Required	Funding Source	Amount	Net Impact
Loton Park	24,000	Vincent Streetscape Improvements	24,000	0
Fitzgerald Street Improvements	94,500	Mt Hawthorn Business Precinct Upgrade (OMC 8 June 2004)	94,500	0
Les Lilleyman Reserve Playground Fencing	8,500	Eton Street Roadwork Improvements	8,500	0
Beatty Park Conservation Plan Part 1	4,000	Car Park Strategy Implementation Yr 1 of 5	4,000	0

ADDITIONAL INFORMATION:

Beatty Park Leisure Centre Conservation Plan - \$4,000

Expressions of interest for the Beatty Park and Leisure Centre Conservation Plan closed on 8 September 2004. Only one submission was received, from Considine and Griffiths, at a cost of \$33,460 which is approximately 3 times the money allocated for the project (\$11,000).

In order to reduce the cost of the project the following action was taken:-

- Invited further consultants to quote - this resulted in no further expressions of interest being submitted.
- Considered staging the Conservation Plan to cover the Leisure Centre in Part 1 and the Park Reserve in Part 2, at a later date. The proposed redevelopment of the Leisure Centre makes a Conservation Plan on this part a higher priority than the Park. Following discussions with the consultant, a review of the brief and fee structure was undertaken, and a revised fee proposal was returned from the consultant:
 - Part 1 \$16,439 (inc GST), \$14,944.55 (excl GST); and
 - Part 2 \$10,246 (inc GST), \$9,314.55 (excl GST).

Part 1 is therefore approximately \$4000 (excluding GST) over the budget allocation for the Conservation Plan. Part 2 will be undertaken in the next financial year (2005/2006).

Sourcing of the required funds from the Car Park Strategy Implementation (Year 1 of 5) is recommended given that the following aspects/tasks of the strategy implementation will be sufficiently produced 'in house' by the Town's Strategic Planning Officers. Those being: Task 10 - prepare and implement design guidelines for multi-storey car parks, releasing \$5000; Task 2 - advertise location of Town's car parks via the Town's website, releasing \$2000; advertise location of Town's car parks via the Town's newsletter, releasing \$2000; and Task 23 - prepare and implement a study on major pedestrian routes, releasing \$3000.

In view of the above, it is considered that an additional \$4,000 sourced from the Car Park Strategy Implementation (Yr 1 of 5) to fund the Beatty Park Conservation Plan Part 1 will not detrimentally affect the project.

BACKGROUND:

The Town as part of its management procedures, reviews its Budget on a regular basis to make adjustments for any major variations or additional requirements to the adopted Budget.

DETAILS:

A review has been undertaken as at 30 September 2004 to adjust for any major variances or additional items required and the inclusion of previous decisions of the Council.

Loton Park - \$24,000

A total of \$24,000 is required to complete works on the bank on the south side of the reserve, works around the former care takers cottage and minor fencing works. The work on the south side of the reserve is urgent as following the winter rains subsidence has occurred and requires minor drainage improvements, some retaining and stabilisation prior to planting being implemented. Additional fencing is required around the transformer site and in two locations along Lord Street to improve safety for park users. The funding will be sourced from Vincent Street Streetscape Improvements which is completed.

Funding Implication:

No impact on the financial position as expenditure sourced from savings.

Fitzgerald Streetscape Improvements - \$94,500

At the Ordinary Meeting held on 8 June 2004 the Council considered a further report on the extension of the Angove Street streetscape theme into the Fitzgerald Street Business Precinct where the following decision was made (in part):

That the Council;

- (iv) *NOTES that as there are only sufficient funds available in the current budget to implement Stage 1 of the proposal it reallocates BY AN ABSOLUTE MAJORITY \$80,000 from the Mt Hawthorn Business precinct Upgrade and reinstates these funds to the Mt Hawthorn project in the 2005/2006 financial year;*

Funds allocated in the 2004/2005 budget for the project include \$190,000. At the Ordinary Meeting of Council held on 8 June 2004 it was decided that the Council ... *reallocates BY AN ABSOLUTE MAJORITY \$80,000 from the Mt Hawthorn Business precinct Upgrade and reinstates these funds to the Mt Hawthorn project in the 2005/2006 financial year...*

Funds available for this project total \$270,000. However the revised estimated cost is \$290,500 and the majority of property owners have agreed to contribute towards the tree component on private property. This is estimated to cost \$6,000.

Therefore the funds required are as follows:

- Estimated project cost = \$290,500, current funds \$190,000 (2004/05 Budget)
- Contribution = \$6,000 (property owners)

Reallocate \$80,000 from Mt Hawthorn Business Precinct Upgrade (OMC 8 June 2004).

Outstanding funds required of \$14,500 to be reallocated from Mt Hawthorn Business Precinct Upgrade. Total to be reallocated from Mt Hawthorn Business precinct Upgrade is \$94,500.

Funding Implication:

No impact on the financial position.

Les Lilleyman Reserve Playground Fencing - \$8,500

At the Ordinary Council meeting of 14 September 2004 the Council adopted a resolution for the Les Lilleyman Reserve playground to be upgraded, including a fence. An amount of \$35,000 was included on the 2004/2005 Budget for the upgrade of the playground, however this did not include a fence. The estimated cost of the fence is \$8,500. This funding can be sourced from Eton Street Road Works Improvements which is completed and has available funds.

Funding Implication:

No impact on the financial position as the additional expenditure is funded from savings in other areas.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008

Key Result Area 4 – Governance and Management

“4.2 a) *Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*

d) *Ensure that processes comply with relevant legislation.”*

FINANCIAL/BUDGET IMPLICATIONS:

At the end of the first quarter of the financial year, with the inclusion of the reported adjustments there is no net increase 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 December 2004 and reported to Council in February 2005.

10.4.3 Town of Vincent Local Law Relating to Standing Orders - Amendment No 2, 2004 - Gazettal

Ward:		Date:	15 November 2004
Precinct:		File Ref:	LEG 0019
Attachments:	-		
Reporting Officer(s):	A Smith, John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 the Council APPROVES BY A SPECIAL MAJORITY the proposed amendment to the Town of Vincent Local Law Relating to Standing Orders as follows:*

"LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT LOCAL LAW RELATING TO STANDING ORDERS

(AMENDMENT NO 2, 2004)

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on to amend the principal Town of Vincent Local Law Relating to Standing Orders published in the Government Gazette on 11 September 2001, and its amendment published in the Government Gazette on 25 June 2004 as follows:

- (1) *Delete subclause (2) of clause 4.7 - Forums"; and*
- (ii) *the amendment be published in the Government Gazette.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED BY A SPECIAL MAJORITY (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

At the Ordinary Meeting of Council held on 8 June 2004 the Council resolved *inter alia* to amend its Local Law Relating to Standing Orders as follows:

- "9. (a) *the title "PART 4 - COMMITTEES" be retitled "PART 4 - COMMITTEES AND FORUMS";*

(b) *the following new clause 4.7 be inserted:*

"4.7 Forums

(1) The Council may prescribe guidelines and procedures for the management of forums.

(2) All persons shall comply and observe the Forum's Guidelines and Procedures.";

The amendment to the Local Law was gazetted on 25 June 2004 and the Joint Standing Committee on Delegated Legislation was advised as part of the process.

The Joint Standing Committee on Delegated Legislation wrote to the Town on 25 August 2004 requesting the deletion of Clause 4.7(2) for the following reasons:

"When clauses 4.7(2) and 5.9(1) are read together, any breach of the Guidelines would be treated as if it were a breach of the principal local law and could be penalised with a fine of between \$200 and \$5,000. In other words, clause 4.7(2) has the effect of giving legislative effect to what is essentially a policy document."

The matter has been discussed with the Committee's Advisory Officer. The need for persons to observe and comply with the Forum Guidelines was also discussed in detail. Methods of ensuring compliance with the Forum Guidelines include:

1. The Chairperson to retain control of the Forum;
2. The Chairpersons to ask persons to comply with the Guidelines;
3. In the event that non-compliance is achieved the offending person can be asked to not participate and/or also leave the premises.

This method of controlling the Forum is recommended. An alternative method is for the Town to formally publish the Forum Guidelines in the Government Gazette and these would become part of the Local Law.

This is not recommended due to the legal complications which arise in the event that a prosecution for non-compliance is taken by the Council.

DETAILS:

At the Ordinary Meeting of Council held on 14 September 2004, the Council resolved to delete subclause (2) of Clause 4.7 - Forums in accordance with the request from the Joint Standing Committee on Delegated Legislation.

CONSULTATION/ADVERTISING:

The proposed amendment was advertised in The West Australian newspaper on 22 September 2004, in a local paper on 25 September 2004 and on the Town's Notice Board and Website and in the Library. No submissions were received at the close of the six (6) week statutory advisory period, which closed on 19 July 2004. Comments were received from the Department of Local Government and Regional Development but these were only of a formatting nature and did not change the intent of the amendment in any way.

LEGAL/POLICY:

The Town's Local Law Relating to Standing Orders was gazetted on 11 September 2001 and was amended on 25 June 2004.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As there are alternative methods of controlling behaviour at Forums, it is recommended that Clause 4.7(2) - Forums be deleted from the Town of Vincent Local Law Relating to Standing Orders.

10.4.4 Town of Vincent Local Law Relating to Parking Facilities - Amendment No 2, 2004 - Gazettal

Ward:	Both	Date:	15 November 2004
Precinct:	All	File Ref:	LEG0047
Attachments:	-		
Reporting Officer(s):	A Smith, J MacLean		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 the Council APPROVES BY A SPECIAL MAJORITY the proposed amendment to the Town of Vincent Local Law Relating to Parking Facilities as follows:*

LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT PARKING FACILITIES LOCAL LAW

(AMENDMENT NO 2, 2004)

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on to amend the principal Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000 and its amendment published in the Government Gazette on 24 August 2004 as follows:

- (a) *Delete the existing Second Schedule relating to Parking Stations and replace it with a new Second Schedule, as set out below:*

PART 5

SECOND SCHEDULE

DESCRIPTION	NIGHT/DAY PARKING	DAYS & HOURS OF OPERATION
Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive.
Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive.
That portion of The Avenue Parking Station, situated in the area bounded by Leederville Parade and Vincent Street, Leederville and delineated by yellow bay markings, with appropriate signage	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
The Avenue Parking Station, situated in the area bounded by Leederville Parade and Vincent Street, Leederville	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive.
That portion of Chelmsford Road Parking Station, situated in the area bounded by Grosvenor Road and Chelmsford Road, Mount Lawley and delineated by yellow bay markings, with appropriate signage	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive

DESCRIPTION	NIGHT/DAY PARKING	DAYS & HOURS OF OPERATION
That portion of land, seven metres wide, on the west side of Raglan Road Parking Station adjacent to the Right of Way and delineated by yellow bay markings, with appropriate signage	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Barlee Street Car Park situated at the corner of Barlee and Beaufort Streets, Mount Lawley	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Barlee Street Car Park situated at the corner of Barlee and Beaufort Streets, Mount Lawley	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive
The Village Square Car Park situated at 323 Charles Street, North Perth	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Loftus Centre Car Park	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive
Stadium Car Park situated within Perth Oval Reserve, Pier Street, Perth between the eastern side of Pier Street, eastward to the delineating fence-line of the leased area of the Multi-Purpose Rectangular Sports Stadium	DAY PARKING	Monday to Sunday, 8.00am to 10.00pm inclusive

and;

- (ii) *the amendment be published in the Government Gazette.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED BY A SPECIAL MAJORITY (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

At the Ordinary Meeting of Council held on 24 August 2004 the Council resolved to advertise the proposed amendment to the Local Law Relating to Parking Facilities. The purpose of the proposed amendment is standardise and simplify the Local Law Second Schedule which indicates the time during which parking fees are applicable.

DETAILS:

The Town's current Local Law Relating to Parking Facilities was substantially reviewed and gazetted on 23 May 2000. Since 2000, there have been a number of amendments made to the Local Law to enable fees and time restrictions to be introduced.

When the Town first commenced enforcement of parking legislation, the times, during which restrictions were in operation, reflected the needs of the City of Perth, prior to restructuring. The Town of Vincent has identified that there are different restrictions in a number of the existing car parks and this has the potential to confuse the public.

CONSULTATION/ADVERTISING:

The proposed amendment was advertised in The West Australian newspaper on 1 September 2004, in a local paper on 4 September 2004 and on the Town's Notice Board and Website and in the Library. No submissions were received at the close of the six (6) week statutory advisory period, which closed on 20 October 2004. Comments were received from the Department of Local Government and Regional Development but these were only of a formatting nature and did not change the intent of the amendment in any way.

LEGAL/POLICY:

The Town's Parking Facilities Local Law was gazetted on 23 May 2000 and there have been various amendments since. There are no adverse legal implications associated with this report.

STRATEGIC IMPLICATIONS:

The proposal reflects the directions defined in the Town's Strategic Plan 2003 – 2008, Key Result Area One; Section 1.4 (p)

“Develop a strategy for parking management in business, residential and mixed use precincts, that includes

- *parking facilities that are appropriate to public needs*
- *a clear indication that it is the developer's responsibility to provide on-site parking;*
- *protection of the rights of local residents to park in their street where limited off street parking is available”.*

FINANCIAL/BUDGET IMPLICATIONS:

Other than advertising costs, there are no financial implications relating to the proposed amendment.

COMMENTS:

As no submissions have been received, it is recommended that the proposed amendment be approved and submitted for gazettal.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.12pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	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 & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Assistant (Minutes Secretary)
Mark Fletcher	Journalist – Voice News

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 23 November 2004.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2004